United Nations S/PV.7832

Security Council

Seventy-first year

Provisional

7832nd meeting

Tuesday, 13 December 2016, 10 a.m.

New York

President:	Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Gimolieca
	China	Mr. Shen Bo
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Walbridge
	Russian Federation	Mr. Safronkov
	Senegal	Mr. Ciss
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Sison
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/1011)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

Report of the Secretary-General on the United Nations Support Mission in Libya (S/2016/1011)

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2016/1048, which contains the text of a draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland.

I wish to draw the attention of Council members to document S/2016/1011, which contains the report of the Secretary-General on the United Nations Support Mission in Libya.

The Council is ready to proceed to the vote on the draft resolution before it. I shall put the draft resolution to the vote now.

A vote was taken by show of hands.

In favour:

Angola, China, Egypt, France, Japan, Malaysia, New Zealand, Russian Federation, Senegal, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Venezuela (Bolivarian Republic of)

The President (*spoke in Spanish*): The draft resolution received 15 votes in favour. The draft resolution has been adopted unanimously as resolution 2323 (2016).

I shall now give the floor to those members of the Council who wish to make statements following the voting.

Mr. Safronkov (Russian Federation) (*spoke in Russian*): We supported the adoption of resolution 2323 (2016), but we must recall that, during the discussions on its elaboration, we strongly favoured extending the mandate of the United Nations Support Mission in Libya for six months. We believe that to be the optimal time frame in the light of the weak political dynamics in terms of the country's development, the insufficient effectiveness of the work of the United Nations Mission and the unclear prospects for its return to the country. Sadly, that opinion was not heeded due to the desire of certain Security Council members to paint an unjustifiably optimistic picture of the situation in Libya.

Mr. Rycroft (United Kingdom): The United Kingdom warmly welcomes the unanimous adoption of resolution 2323 (2016) today, which renews the mandate of the United Nations Support Mission in Libya (UNSMIL). It sends a strong signal of Security Council unity and commitment to resolving the situation in Libya. As the penholder on this issue, I want to thank all Council members for their support today.

This is a vital renewal at an important time for Libya. Almost a year since the signing of the Libyan Political Agreement in Skhirat, the Agreement and the Government of National Accord remain the only credible pathway to peace and stability in Libya. Some progress has been made with the establishment of the Presidency Council in Tripoli, and in the fight against terrorism with the Government's announcement today of the completion of military operations against Da'esh in Sirte. But as we heard from the Special Representative of the Secretary-General earlier this month (see S/PV.7827), Libya continues to face a daunting set of challenges — on security, on the economy, on human rights and on criminality, such as migration traffickers. It is crucial that the international community continue to speak with one voice in support of Special Representative Kobler and UNSMIL's work to build on this consensus, to encourage all Libyan sides to compromise, to continue to support the Government of National Accord to deliver, and to urge military de-escalation.

I therefore again warmly welcome the clear message sent through this resolution of continued international support to Libya at such a crucial time. Through the resolution, we have empowered the Mission to redouble its efforts to support the implementation of the Libyan Political Agreement and to use its convening power under the good offices of the Secretary-General to support all Libyan stakeholders, including those not currently fully engaged in the process, so that they can work together with the Presidency Council to chart the way forward.

In extending the time period from six to nine months, which was the point that my Russian colleague just made, we have also sent a clear message of the United Nations continued commitment in Libya as it takes forward work to re-establish a permanent presence in Libya in the new year. We also look forward to the outcome of the Secretary-General's strategic review in 2017 and stand ready to make substantive adjustments to the mandate of the Mission if needed.

I thank Council members for their engagement and support on the mandate renewal. Our combined efforts will continue to play an important role in Libya in 2017 and beyond. At a time when other issues divide us, I am pleased that we continue to work together constructively to support the implementation of the Libyan Political Agreement.

Ms. Sison (United States of America): Today's vote to renew the mandate of the United Nations Support Mission in Libya (UNSMIL) should be sending an unambiguous message to the Libyan people that their efforts in forging a path to peace and stability are undertaken with the broad support of the international community and that the tireless work of UNSMIL is recognized as critically important and necessary as it undertakes to support, advise and assist the Government of National Accord. The United States lauds UNSMIL's efforts. We look forward to its continued work to facilitate the Libyan-led political solution to the challenges facing Libya. We are eager to learn of its continued progress and we offer it our strong support.

Mr. Delattre (France) (*spoke in French*): France welcomes the unanimous adoption of resolution 2323 (2016), regardless of nuanced positions. The vote illustrates the unity of the Security Council in support of the United Nations process. I warmly thank the British penholder for his efforts in ensuring the adoption of the resolution, which extends the mandate of the United Nations Support Mission in Libya until September next year. The decision to extend the mandate by nine months sends a message of continued support to the Mission. Reviewing the mandate will be possible if need be during the year, and a strategic review should be conducted quickly.

The resolution reiterates its support for the full implementation of the Libyan Political Agreement. It encourages the Government of National Accord to make further progress, and in particular to build on progress that has already been made to establish a presidential guard. It expresses the Council's full support to the Vienna communiqué and provides useful clarifications on the Mission's mandate, which should all be welcomed. The extension of the mandate is also an opportunity to reiterate our full support to Prime Minister Fayez Serraj and his Government.

In conclusion, I would like to reiterate France's full support to United Nations efforts on this issue.

The President (*spoke in Spanish*): I shall now make a brief statement in my national capacity.

We are approaching the first anniversary of the Skhirat Agreement without any significant progress having been made. The stalemate in the situation in Libya is a threat to the security of Libya and of the broader region. I recall that the Political Agreement is the outcome of the work conducted by the United Nations with the Libyans themselves, and several urgent challenges must be met. The first is the establishment of a Government of National Accord, supported by the House of Representatives. The second is the smooth functioning of the country's financial institutions. And the third is the unification of armed forces under the authority of the executive. That is why we supported extending the mandate of the United Nations Support Mission in Libya (UNSMIL) and the efforts of Special Representative Kobler. We hope that with this extension of UNSMIL's mandate, the situation in Libya will be markedly different.

I now resume my functions as President of the Council.

The meeting rose at 10.15 a.m.

United Nations S/PV.7833

Security Council

Seventy-first year

Provisional

7833rd meeting

Tuesday, 13 December 2016, 10.20 a.m.

New York

President:	Mr. Gasso Matoses/Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Gimolieca
	China	Mr. Shen Bo
	Egypt	Mr. Aboulatta
	France	Mr. Lamek
	Japan	Mr. Akahori
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Van Bohemen
	Russian Federation	Mr. Zagaynov
	Senegal	Mr. Ciss
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Ms. Mulvein
	United States of America	Ms. Coleman
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Sudan to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Ms. Bensouda.

Ms. Bensouda: I thank you, Mr. President, for this opportunity to present my Office's twenty-fourth report on the situation in Darfur, pursuant to resolution 1593 (2005).

Six months have passed since my last report to the Council (see S/PV.7710), and indeed nearly a decade has passed since the first warrant of arrest was issued by the International Criminal Court (ICC) in the situation in Darfur. As I present this twenty-fourth report before the Council today, it is with immense regret that I acknowledge once again that all five suspects against whom warrants of arrest have been issued by the International Criminal Court in this situation remain at large.

As the longing for justice of the victims of Rome Statute crimes in Darfur remains unfulfilled, the suspects Mr. Omar Al-Bashir, Mr. Abdel Hussein and Mr. Ahmad Harun continue to occupy high-ranking positions within the Government of the Sudan without subjecting themselves to the scrutiny of the law so that their guilt or innocence can be established. What is more, Mr. Ali Kushayb continues to be active in the Government of the Sudan's aligned militias operating in Darfur, while another suspect, Mr. Abdallah Banda, also remains at large in the Sudan.

Time may lapse, but time does not erase the fact that serious crimes have been committed in Darfur, resulting in the untold suffering of victims. And time will not change the fact that those five men stand accused of multiple crimes against humanity and war crimes, and additionally, in the case of Mr. Al-Bashir, genocide. Those constitute the world's most serious crimes. We must ensure that time also does not erode this fact in our memories, nor our obligations to hold those responsible for those egregious crimes accountable.

Let me recall by way of a few examples the gravity of the crimes. It is alleged that between August 2003 and March 2004 in the town of Mukjar, West Darfur, over 70 men were summarily executed after being detained and tortured by the Janjaweed and the Sudanese Army. In that same period, women and girls were raped and sexually assaulted. Civilians were attacked, forcibly expelled from their homes and herded into camps for internally displaced persons.

In an attempt to stop the violence and restore peace, the African Union (AU) deployed a peacekeeping operation in Darfur. Yet despite their protected status, in September 2007 rebel forces under the command of Mr. Banda are alleged to have attacked and murdered AU peacekeepers at their base in Haskanita, including one peacekeeper from a State that is currently a member of the Council. The courageous women and men who risk their lives in international and regional efforts to maintain peace deserve not only our respect and admiration, but also the best protection we can afford them. That protection surely includes holding those who target and attack peacekeepers accountable for such crimes.

Those are a just a few illustrations of the many crimes I am trying to prosecute as a result of the referral from the Security Council — crimes that the Pre-trial Chamber of the International Criminal Court have determined there are grounds to believe were committed by the Darfur suspects.

I refer to those crimes because it is critical that we do not lose sight of the ultimate purpose of these half-yearly briefings. These briefings should be more than a simple routine in fulfilment of a prescribed timetable. They should be seen as an opportunity for dialogue and an exchange of views between my Office and the Council on how best to achieve the objectives of resolution 1593 (2005), so that independent and impartial justice can be delivered to the Darfur victims.

As my report makes clear, the Rome Statute system has two essential pillars, namely, a judicial pillar, provided by the International Criminal Court, and an

execution and enforcement pillar, provided by State parties, and in the context of the Darfur situation, also the Council. The Office's reports are intended not only to provide relevant updates, but also to galvanize and mobilize the Council to enforce the obligations created by resolution 1593 (2005) and the Rome Statute legal framework.

Resolution 1593 (2005) was intended to enable my Office to establish the truth and deliver justice to the victims of Rome Statute crimes in Darfur. Instead, as time passes, ICC fugitives continue to travel across international borders unimpeded by the failure of the Sudan, other States, including — I regret to say — some States parties, to enforce the Court's arrest warrants.

A further aggravating factor is the Council's inaction. It is no surprise then that victims and witnesses of the Office are slowly but surely losing faith in the process of international criminal justice in Darfur. We must ask ourselves some tough but honest questions. What are we to say to victims who continue to suffer in Darfur, to the individuals who have uprooted their lives to be witnesses and had the courage to tell their story? How can we maintain their trust in the judicial process when they continue to observe Mr. Al-Bashir and other suspects traversing the globe with impunity? Victims, including some I have met with personally, are puzzled and dismayed by the Council's lack of action.

It is almost eight years since the Pre-Trial Chamber of the International Criminal Court issued the first warrant of arrest against Mr. Al-Bashir. Yet during each reporting period, Mr. Al-Bashir travels to different States, attending events ranging from presidential inaugurations to international sporting events. According to my Office's information, Mr. Al-Bashir has crossed international borders on 131 occasions since March 2009, and on 14 occasions to State parties and on 117 occasions to non-State parties. His movements are traceable. The world knows where he is, where he travels to — often in advance, from the media. There is ample opportunity for Mr. Al-Bashir to be apprehended — if the political will exists among States, and indeed the Council. As I stated to the Council in June, the lack of action by this organ has emboldened States to continue to host Mr. Al-Bashir. It also emboldens the Darfur fugitives to travel, as demonstrated by a recent visit by Mr. Al-Bashir, together with Mr. Hussein, to a non-State party. This open display of impunity undermines resolution 1593 (2005) and the credibility of the Council.

The legal position regarding the obligation of States parties to arrest and surrender Mr. Al-Bashir should he travel to their territory could not be clearer. As Pre-Trial Chamber II stated in its non-compliance decision of 9 April 2014,

> "[n]owhere in any decision issued by the Court is there the slightest ambiguity about the Chambers' legal position regarding Omar Al-Bashir's arrest and surrender to the Court, despite the arguments invoked relating to his immunity under international law".

As the Council will recall, South Africa failed to arrest Mr. Al-Bashir during his visit in June 2015. On 8 December 2016, the Chamber issued a decision to convene a public hearing, to be held on 7 April 2017, in relation to a possible finding of non-compliance for South Africa's failure to arrest and surrender Mr. Al-Bashir to the Court. The Chamber has not only invited South Africa and my Office to make written and oral submissions, but has also invited the United Nations to attend the hearing and be heard. That opportunity will allow the United Nations to set forth its position on non-compliance with Security Council referrals to the Court and the role to be played by the Security Council in non-compliance proceedings. The Chamber further invited all interested parties to provide any relevant submissions should they wish to do so.

More recently, the Court found States parties Uganda and Djibouti in non-compliance for failing to arrest Mr. Al-Bashir during visits to those countries in July of this year, and referred the matter to the Council. In those decisions, the Court emphasized the critical role of the Council when non-compliance findings are referred to it. Specifically, it stated,

> "[i]n the absence of follow-up actions on the part of the Security Council, any referral to the Court under Chapter VII of the Charter of the United Nations would become futile and incapable of achieving its ultimate goal of putting an end to impunity".

I can only underscore the necessity of the Council taking swift and concrete action to ensure compliance with all arrest warrants against the fugitives in the Darfur situation. That includes action against the Sudan for its continued and open defiance of the Court's orders and resolution 1593 (2005). The Pre-Trial Chamber has now issued 13 decisions finding non-compliance and/or requesting for appropriate action to be taken against the Sudan and States parties for failing to arrest Mr

Al-Bashir and other fugitives. At a minimum, the Council should consider referencing those decisions in a separate draft resolution, as has been done in the Libya situation when this organ adopted resolution 2213 (2015).

It is not enough for Council members to continue calling for support for the Court. Such calls have to be matched with concrete action. In that regard, serious consideration should be given to New Zealand's recommendation on 9 June. New Zealand stated that, when a finding of non-compliance is received, the Council should consider using the tools at its disposal, such as a draft resolution, statement, letter or meeting with the country concerned. And let us not forget that the failure to execute warrants of arrest is not limited to the case of Mr. Al-Bashir. To date, the ICC arrest warrants against Mr. Harun and Mr. Kushayb have remained outstanding for almost 10 years, against Mr. Hussein for almost five years, and against Mr. Banda for a little more than two years.

I take this opportunity to call on all States to fully cooperate with the Court in the arrest and surrender of suspects against whom ICC arrest warrants have been issued. Allowing suspects to travel across international borders with impunity not only severely undermines the Council's credibility and that of the Court but equally erodes public confidence in our common responsibility to end impunity for the world's most serious crimes, as well as our ability to ensure that victims attain the justice they so rightly deserve.

In the face of the failure to arrest the Darfur suspects, it is no surprise that allegations of the commission of new crimes under the Rome Statute continue to be reported in Darfur. According to the information that my Office has obtained, hundreds of civilians have been reportedly killed since April 2016. The area of Jebel Marra continues to be one of conflict and instability, and that has a dire impact upon civilians. Since June, there have been new clashes between the Government of the Sudan and the Sudan Liberation Army/Abdul Wahid faction in Jebel Marra, resulting in aerial bombardments by the Government. Approximately 80 civilians were allegedly killed as a result of these bombardments, mainly in Jebel Marra.

Moreover, as the Council is aware, the African Union-United Nations Hybrid Operation in Darfur (UNAMID) reported on 1 July that women and girls continue to suffer from sexual and gender-based violence, including conflict-related violence. Particularly worrying is the recent, and as yet unconfirmed, allegations by Amnesty International that the Government of the Sudan may have deployed chemical weapons against civilians during several attacks on Jebel Marra over the course of 2016. It is alleged that 200 to 250 people, including many children, may have died from exposure to chemical weapons. My Office is taking the steps that it can to verify whether the allegations are true. I note that the Government of the Sudan has denied the claims, and to date both the Organization for the Prohibition of Chemical Weapons and UNAMID have not come across evidence that supports those claims.

However, it must also be noted that the Government of the Sudan severely restricts access of UNAMID and other organizations to the Jebel Marra region. Denying access to the United Nations, the African Union and other international humanitarian actors prevents aid from getting to the victims and internally displaced persons, and potentially enables the parties to the conflict to cover up crimes against civilians committed in the conflict zones. It is imperative for the Government of the Sudan to facilitate access to Jebel Marra. Consistent with its policy of total non-cooperation with the Court, the Sudan also denies access to my Office to prevent it from investigating alleged crimes.

I also feel compelled to say a few words about resources. With the Office's multiple situations and cases, it will be increasingly difficult for the Office to allocate needed resources to the Darfur investigation in the coming year given the recently approved 2017 budget of the Court. Nevertheless, despite limited resources, the total lack of cooperation by the Sudan and the inability to investigate in Darfur, my Office continues to conduct inquiries and investigations. The team assigned to the Darfur situation has interviewed additional witnesses since my previous report and obtained further evidence regarding not only previous crimes, but also allegations of current crimes. Further efforts are being made to identify potential witnesses. Overall, despite many challenges, my team continues to make progress. The support of the Council in obtaining additional funding from the General Assembly would significantly increase the investigative capacity of my team.

On every occasion that I report to the Council on the situation in Darfur, I am forced to voice my concerns about the very same challenges, the sum total of which

amounts to justice still eluding the victims in Darfur. I wish I could be here today to inform the Council and the victims that the judicial process has significantly advanced. But I cannot. As long as the Council does not take direct action to induce the Sudan and other States to execute the arrest warrants, I will likely be here next June delivering the same message. The lack of progress must weigh heavily on our collective conscience and must not be allowed to continue.

I end on this point, and I ask the members of the Council to consider it carefully: it was a watershed moment for international criminal justice when the Council voted in favour of referring the situation in Darfur to the International Criminal Court. The referral signalled to the world and to the victims the Council's determination to fight against impunity and foster justice and accountability in Darfur. That determination must guide the Council today as it did then. I ask the Council to give new life to resolution 1593 (2005) by giving my Office the support that it needs in order to advance its investigations and prosecutions in the Darfur situation. For the sake of the victims in Darfur, the members of the Council must break the current impasse. Under the critical watch of history, we must not allow "never again" to ring hollow and taunt the memory of the victims in Darfur. To be sure, the world yearns to see the Council employ its authority with confidence and conviction in full support of international criminal justice. This body's effective follow-through in the Darfur situation is the litmus test of the Council's ability to fulfil that promise.

The President (*spoke in Spanish*): I thank Ms. Bensouda for her briefing.

I shall now give the floor to the members of the Security Council who wish to make statements. I would like to remind speakers that, if possible, they should limit their statements to no more than five minutes. After five minutes the speaker's microphone will start blinking. The Council's agenda today is very full and intense, so I would request that speakers with long statements give a condensed version in the Chamber and circulate the full text to the other members separately.

Ms. Mulvein (United Kingdom): I would like to begin by welcoming the Prosecutor of the International Criminal Court (ICC) back to the Security Council and by thanking her for her briefing today. The United Kingdom is grateful for her twenty-fourth report, and we thank her and her Office for their continuing investigation of the situation in Darfur.

The United Kingdom supports the ICC in its vital work of challenging impunity and ensuring accountability for those who bear the greatest responsibility for the most serious crimes of international concern. It is a tragedy that crimes such as these continue in Darfur. The Prosecutor's report notes that lately crimes have decreased, but we have still seen worrying reports of serious violations of international humanitarian and human rights law, notably in Jebel Marra. We remain particularly concerned about reports of attacks on civilians by the rapid support forces and other militias. We call on all the parties to end violence against civilians, violations of international humanitarian law and violations and abuses of human rights.

The United Kingdom welcomes the signing of the African Union High-level Implementation Panel Roadmap Agreement by both the Government of the Sudan and the opposition parties, but we remain deeply concerned about the humanitarian situation in Darfur, where 2.6 million people are still displaced, with no solution for the root causes of their displacement. This year saw a spike in displacement in the wake of conflict in Jebel Marra that strained humanitarian actors' capacity to meet the needs of suffering Darfuri civilians, particularly in the face of obstacles to their access. Civilians continue to be the main victims of the ongoing instability, and the United Kingdom urges the Government of the Sudan to allow access throughout Darfur, including all parts of Jebel Marra. That will enable the Prosecutor to carry out her investigation and the African Union-United Nations Hybrid Operation in Darfur to fulfil its mandate to protect civilians and facilitate humanitarian assistance. There is an urgent need to address the gaps in the rule of law and accountability, which breed violence and instability, as witnessed in inter-communal clashes and widespread allegations of gender-based crimes and serious sexual violence against women.

We call on the Government of the Sudan to meet its obligations under resolution 1593 (2005) to cooperate fully with the ICC, execute outstanding arrest warrants and fulfil its international obligations. The United Kingdom is frustrated about the fact that fugitives from the Court, including President Al-Bashir and Mr. Hussein, have been able to travel unhindered to a number of States that are parties to the Court, and therefore under an obligation to arrest

and surrender them. Together with our international partners, we will continue to raise our concerns with the relevant Governments and make it clear that we expect compliance with the arrest warrants for all those indicted by the Court. Such non-cooperation with the Court weakens the rules-based international system.

We agree with the Prosecutor that the Council should play a more active role in the area of compliance, and we support effective measures to ensure that instances of non-cooperation with the Court are taken seriously. The United Kingdom believes that achieving justice for victims should be at the heart of the international community's response to mass atrocity violence. It is essential to ensure that fugitives from international justice do not enjoy impunity. We call on all States parties to the Court to cooperate with it and abide by their Rome Statute obligations. We commend the ongoing investigations of the Office of the Prosecutor, and welcome the fact that despite these challenges, real progress has been made and significant additional evidence gathered. We recognize that the investigations are complex and take place in very difficult circumstances.

In conclusion, the United Kingdom would like to take this opportunity to renew its commitment to supporting the Court both as a State party to the Rome Statute and as a member of the Security Council. We recognize the financial constraints that the Prosecutor's Office faces and respect her independence in deciding on the best use of those resources.

Mr. Aboulatta (Egypt) (*spoke in Arabic*): I would first like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing to the Security Council today on her twenty-fourth report, in implementation of resolution 1593 (2005).

In her report, the Prosecutor reviews a number of challenges and makes some comments about the Court's performance with regard to Darfur. It concludes with two fundamental requests to the Security Council, the first being that the Council, through the United Nations, facilitate financial support to the Court for its investigations on Darfur, and the second that it act to ensure that justice is done to a number of the accused. I would like to address the following points.

First, there is a united African position on dealing with the ICC on various issues related to the African continent, and it is reflected in a number of African Union (AU) resolutions, including resolutions 547, 586 and 590, adopted at its twenty-fourth, twenty-fifth and twenty-sixth sessions, respectively. Based on those resolutions, the AU stresses, among other things, that since it is committed to combating impunity in accordance with the African Union's Constitutive Act, the ICC's measures against President Omar Al-Bashir of the Sudan should be suspended.

Secondly, successive resolutions adopted by the African Union have urged the Security Council to withdraw its referral of the situation in Darfur to the ICC and have expressed deep concern about the fact that for a number of years now the Council has not taken into consideration the African Union's calls on the matter.

Thirdly, in the light of African States' reservations about the Rome Statute in particular, the Court should not take any measures that could affect peace, security, stability, sovereignty or territorial integrity in African States. At the same time, it should respect the norms of international law pertaining to the immunity of Presidents and high officials during their terms of office.

Fourthly, it should reject any measures to be taken against any African States based on their non-compliance with the Rome Statute or non-cooperation with the provisions of resolution 1593 (2005) through a refusal to arrest President Al-Bashir or to hand him over to the ICC, which is a commitment on the part of African Union member States in accordance with AU resolutions and its Constitutive Act.

Mr. Van Bohemen (New Zealand): I want to thank Prosecutor Fatou Bensouda for her report and briefing. I commend her for the candor of her remarks and for the challenge that she has made to the Security Council.

New Zealand has long supported the need for an effective international accountability framework. Our experience on the Council over the past two years has reinforced our view that, without an effective accountability mechanism, too many of the conflicts that wind up on the Council's agenda will never be adequately resolved. Rather, they will flare up as people will react to the unaddressed injustices that they will have suffered.

The International Criminal Court (ICC) has an important role in that framework. It provides the international community with an important tool for ensuring that serious international crimes do not go

unpunished. The Council's ability to refer situations to the International Criminal Court plays a vital role. At the same time, the Council needs to be very careful that it is not using referrals as a political tool or as the only possible resource in an otherwise intractable situation. Such actions risk politicizing the Court, and can prolong both the conflicts concerned and the process of seeking accountability. Moreover, when referrals are made, they need to be accompanied by a clear commitment to providing the Court with the support, cooperation and resources it needs to discharge its mandate.

The need for sustained follow-up is particularly evident in the case of the Council's referral of the situation in Darfur. The Prosecutor's twenty-fourth report on this issue makes for depressing reading. The Prosecutor's briefing today has underlined the bleakness of the situation. Little has improved in the past six months. All five ICC indictees remain at large. Civilians in Darfur continue to suffer from the shocking consequences of conflict. If confirmed, the recent reports of the use of chemical weapons would represent yet another crime against the people of Darfur. We know that the environment for the ICC in taking forward the Council's Darfur referral remains extremely challenging.

Resolution 1593 (2005) requires the Government of the Sudan to cooperate fully with the Court and the Prosecutor and to provide them with the necessary assistance. It also urges Member States to cooperate with such efforts. Those obligations are being ignored. There has also not been any meaningful accountability at the national or regional levels. The Government of the Sudan's continued non-cooperation with the Court amounts to non-compliance with Council resolutions and with its obligations under the Charter of the United Nations. And yet the Council has not responded to any of the 13 findings of non-compliance referred to it in any meaningful way.

Not every member of this Council is a party to the International Criminal Court. But we all share a common interest — and indeed a responsibility for — in ensuring compliance with the Council's decisions. When that is absent, the credibility and effectiveness of this institution are undermined, and the message is sent that Council decisions can be ignored with impunity. That should be of concern to all those who value the role, legitimacy and authority of this organ. As the Prosecutor reminded us this morning, last year New Zealand made two proposals for action to address this situation.

First, we called for the Council to take a more structured approach in considering findings of non-cooperation. There is currently no consistent practice. In our view, the Council should, at a minimum, discuss any finding of non-cooperation with a view to determining which of the tools that it has at its disposal, if any, offers the most appropriate response. As Ms. Bensouda recalled, those options include the adoption of a formal draft resolution or statement, the dispatch of a letter or a meeting with the country concerned. To continue ignoring ongoing acts of non-compliance is neither productive nor credible. We urge Council members to take a more active and consistent approach in response to future reports of non-compliance, and we look forward to working with other Council members in the coming days on how to address to this most recent report.

Secondly, we also need to find a way through the current impasse in the Council's relations with the Government of the Sudan. While we recognize the challenges involved in doing so, there is a clear need for the Council to build a new relationship with Khartoum. We hope Council members will give serious thought as to how that might be achieved in the coming year.

There is no escaping the fact that referrals made by the Council have contributed to current tensions between the International Criminal Court and some of its African members. New Zealand recognizes the unique role of the ICC and the fundamental importance of preserving its judicial and prosecutorial independence. Equally, we know that we all stand to gain from more frank and robust engagement aimed at resolving key challenges facing the Court. That means honestly acknowledging concerns that have been raised by African State parties. It means fostering greater mutual understanding on those and other issues. It means identifying ways in which we can collectively address and strengthen the Court and end impunity. The Council needs to play its part in supporting such a dialogue. However, it goes without saying that dialogue does not mean forgetting our search for justice and ensuring accountability.

We hope that we will see emerge from these current tensions a strengthened and more productive relationship between the Council and African States

on matters relating to the International Criminal Court that are of mutual interest and importance.

Mr. Yelchenko (Ukraine): I would like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for the updates on her Office's activities since June.

Ukraine remains deeply concerned about serious violations of international humanitarian law, indiscriminate killings and other crimes committed in Darfur. Gender-based violence, including ethnically motivated sexual crimes, continues to take place in Darfur as signalled by the relevant report of the Secretary-General. In our view, that warrants the special attention of the Security Council. Unfortunately, like previous reports, this report still notes that States have failed to arrest people sought after by the Court. Article 27, paragraph 1, of the Rome Statute provides that the Statute shall apply equally to all persons without any distinction based on official capacity. In particular, in an official capacity as a Head of State or Government, a member of a Government or Parliament, an elected representative or a Government official shall in no case exempt a person from criminal responsibility under the Statute.

It is well known that the Court does not possess any enforcement mechanism and can fulfill its mandate only in cooperation with States. Resolution 1593 (2005) includes a clear requirement for the Government of the Sudan to fully cooperate and provide any assistance to the Court. Yet the reality is that the Government of the Sudan has not responded to requests from the Court. The Court often gets those requests back unopened. Ukraine considers such a stance inappropriate and disrespectful to the Court. We call on the Government of the Sudan to provide any necessary assistance to the Court and the Prosecutor.

Irrespective of being party or non-party to the Rome Statute, all Member States should consolidate their efforts to ensure accountability and prevent grave crimes in Darfur and elsewhere from happening. Non-cooperation with the ICC in such situations is a violation of the Charter of the United Nations. Our common failure to bring to justice those responsible for violations of international humanitarian law and abuses of human rights can stimulate violence in the rest of the world.

Finally, in such turbulent times for the authority and activities of the ICC in Africa, Ukraine would like to express its full support to the work of the Office of the Prosecutor of the ICC on this case, as well as other important cases. I again thank Prosecutor Bensouda.

Mr. Shen Bo (China) (*spoke in Chinese*): China has listened to the briefing of Prosecutor Bensouda.

Lately, the situation in Darfur has, on the whole, calmed down. The Sudanese Government is dedicated to maintaining peace and stability, pushing forward the political process and promoting economic and social development. China welcomes all of those developments.

The question of Darfur involves a host of factors — namely, political, security, development and humanitarian. As such, it requires integrated solution, of which the political process represents the basis. It is the key to the question of Darfur.

Thanks to the mediation by the African Union High-Level Implementation Panel, a road-map agreement was signed by the Justice and Equality Movement, the Sudan Liberation Army/Minni Minawi and other armed groups. The priority at hand for the international community is to support the implementation of the agreement by the Sudanese Government and the armed opposition groups, help them reach consensus on outstanding issues through negotiation, and at the same time urge the Sudan Liberation Army/Abdul Wahid, to participate in the peace process unconditionally, in a joint effort to seek a comprehensive political settlement of the question of Darfur.

The international community should take an objective and fair stance, respect the sovereignty, independence and territorial integrity of the Sudan, and play a constructive role in the political settlement of the question of Darfur.

China's position on the handling of the question of the Sudan by the International Criminal Court (ICC) remains unchanged. We welcome the fact that the African Union has set up a council of ministers to deal with the ICC's handling of the question of the Sudan. We support the legitimate concerns of the African Union and the Sudanese Government on the handling of the question of the Sudan by the ICC. Those legitimate concerns must receive adequate attention.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): I wish to thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her comprehensive presentation of the twenty-fourth report on the activities of her Office on the situation in Darfur,

in accordance with the provisions of resolution 1593 (2005). We believe that such transparent and frank reports give added value to the consideration of issues falling within the purview of the Security Council.

Uruguay sees this as a timely opportunity to reiterate its full support for the role of the International Criminal Court (ICC) as an institution created to strengthen the rule of law at the international level by bringing to justice those responsible for the most serious violations of the rights common to all humankind. In this vein, we call once again on States Members of the United Nations that are not yet parties to the Rome Statute to join it, which will contribute to its universalization and thus help to fight impunity and defend victims of heinous crimes, which pose a serious threat to peace and security for all humankind.

We deplore the fact that the situation around this issue has remained practically unchanged since June, when we last considered it (see S/PV.7710). Having heard the briefing of the Prosecutor a few minutes ago, we wish to express our dismay at the lack of cooperation of the parties to the ICC and the failure to observe and implement the Rome Statute. Uruguay, as a State party to the Statute, is concerned at all cases of lack of cooperation with the ICC. Here we would recall resolution 1593 (2005), adopted by the Council, which in its paragraph 2 states that the Government of Sudan and all other parties to the conflict in Darfur must cooperate fully with the Court and the Prosecutor, and also urges all States and regional and other competent international organizations to cooperate fully.

There is a shared responsibility between States that do not cooperate and the Council, which does not act to support and enforce compliance with its resolution 1593 (2005), in violation of the provisions of article 87 of the Rome Statute.

Uruguay is prepared to work to ensure that the Council plays a more active role in considering cases of lack of cooperation with the ICC and that arrest warrants are complied with, which is an indispensable condition for the Court to be able to fulfil its mandate. We are grateful for and deem valuable the proposals made by New Zealand that would enable concrete action on the part of the Security Council in this regard.

I wish to encourage and congratulate the Office of the Prosecutor for its work in investigating the crimes committed in Darfur, which without a doubt promotes the strengthening of the rule of law and the establishment of a minimal basis for the international community to reject impunity in cases of flagrant violations of human rights.

Mr. Lamek (France) (*spoke in French*): I, too, should like to begin by thanking the Prosecutor for her report and for her presence here.

The goal of combating impunity, as set out in resolution 1593 (2005), remains as necessary as ever. The numerous acts of violence that the Prosecutor lists in her report remain unacceptable, and the reference to allegations of the use of the chemical weapons in the report, which of course must be investigated, should push the Security Council to ensure greater coherence and determination in the implementation of its own decisions. In that context, it is more important than ever that justice be done and guilt assigned so as to prevent and deter any recurrence of such acts. That is why France deplores the fact that the arrest warrants issued by the Court have not been executed.

The Council and the international community are fully aware of the decisions that need to be taken to restore stability and peace in Darfur.

First, the resolution of the conflict must be political. It must involve the Government and the rebel groups. We regret in that respect the absence of any genuine progress in establishing an inclusive process allowing a sustainable peace to be achieved. France supports the efforts of the African Union High-Level Implementation Panel to that end.

Secondly, the protection of civilians must be ensured. It is important to recall here that the primary responsibility for protecting the population lies with the Sudanese Government, and to call on all parties to the conflict to respect international law, in particular international humanitarian law. We regret that the Prosecutor's report once again lists restrictions on access for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) as well as obstacles to its functioning. The Sudanese authorities must provide full cooperation so as to allow the Operation to discharge its mandate.

Thirdly, safe, immediate and obstacle-free humanitarian access to the civilian population and displaced persons must be guaranteed.

Fourthly, and finally, it remains key that the perpetrators of the crimes committed be prosecuted and brought to justice. France reiterates in this respect

the importance of the obligation for cooperation by all States parties to the International Criminal Court and by all States Members of the United Nations with the Court, in accordance with the resolutions adopted by the Council. Without such cooperation, the prosecution of the most serious crimes by the Court will remain a dead letter.

This obligation falls primarily on the Sudan, which must implement the arrest warrants against its nationals for crimes committed on its territory and cooperate with the Court, as demanded by resolution 1593 (2005). The States parties to the Rome Statute also have a key role to play with regard to their statutory obligation to cooperate with the Court and to execute arrest warrants when the persons concerned are present on their territory. We regret that in recent months this obligation has not been respected by certain States, and we are grateful to the Office of the Prosecutor for its follow-up on this major challenge.

France regularly reiterates, in the context of its bilateral relations with those States and with the Sudan, the importance it attaches to the fight against impunity and its support for the Court, and it calls on those States to uphold their international commitments in terms of cooperation with the Court.

In that context, the responsibility of the Council is clear, and it is two-pronged. Cooperation with the Court must be made effective, and it must be ensured that arrest warrants are executed. As the Prosecutor stressed, it is up to the Council to respond to cases of non-cooperation with the Court. In that regard, we are ready to consider modalities that would allow action by the Council.

It is also vital that the Assembly of States parties remain mobilized on cases of non-cooperation with the Court, as must international organizations. Here it is necessary to limit contacts with persons who are subject to arrest warrants to those who are deemed essential, in line with the policy of the Secretary-General as defined in his two directives of April 2013. France reiterates the importance of the pursuit by the United Nations as whole of the implementation of those directives and of the application of the relevant provisions of resolution 1593 (2005).

Finally, we should continue efforts to ensure a cessation of violence against civilians and the quest for an inclusive political solution. That is the only possible way to achieve peace and stability in Darfur in the long-term. To that end, UNAMID has a significant role to play and must accomplish its mandate. It is essential that free, unrestricted access to the entire Darfur territory be granted to it. We will give particular attention to that point during the next UNAMID mandate extension.

Mrs. Adnin (Malaysia): I thank Ms. Fatou Bensouda for her briefing. We have taken note of the twenty-fourth report of the Prosecutor of the International Criminal Court submitted pursuant to paragraph 8 of resolution 1593 (2005) and the judicial activities of the Office of the Prosecutor since its previous report.

Malaysia remains concerned about the protracted conflict in Darfur, which has continued to bring about dire consequences in prolonging human suffering, the deterioration of the security and humanitarian situations and large-scale displacement of civilians in Darfur. Attacks on civilians, including sexual and gender-based crime, continue to be reported in Darfur. We wish to remind all parties to the conflict of their obligations under international human rights and humanitarian laws to refrain from all acts of violence against civilians and humanitarian and peacekeeping personnel.

Malaysia has always maintained that dialogue is the only way to achieve a resolution of the conflict in Darfur. In that regard, we welcome the signing of the Roadmap Agreement by the Government of the Sudan and the Justice and Equality Movement, the Sudan Liberation Movement/Minni Minnawi, the Sudan People's Liberation Movement-North and the National Umma Party on 16 March and 8 August, respectively. We furthermore commend the effort of the African Union High-Level Implementation Panel in achieving the Roadmap Agreement. The signing of the Roadmap Agreement marked an important step forward in the Darfur peace process. All parties must seize the opportunity presented by the Agreement, as its implementation offers a means to resolve their differences and address the protracted conflict in Darfur. To that end, Malaysia looks forward to the resumption of dialogue and urges all parties to intensify their efforts to reach a comprise on a cessation of hostilities, ensuring humanitarian access in the Darfur region and reaching a comprehensive and final political settlement.

At the same time, parties that have yet to join the Roadmap Agreement should be encouraged to do so urgently and to engage constructively in the dialogue. In order to achieve that, it is incumbent upon the Government of the Sudan to create an enabling

environment where trust and confidence can be built. In that respect, efforts by the Government of the Sudan to demonstrate compliance with the relevant Security Council resolutions and their commitment to hold those responsible for violations of international human rights and international humanitarian laws accountable would be the necessary prerequisite.

Mr. Akahori (Japan): I thank Prosecutor Bensouda for her report and briefing, which I have read and listened to carefully. On the occasion of the previous briefing in June (see S/PV.7710), we stated that we regretted that justice had not been achieved for the victims in Darfur, despite the efforts of the International Criminal Court (ICC). It is very regrettable that we must again repeat that today.

As the Prosecutor stresses, the ICC cannot fulfil its mandate without the cooperation of States. That is precisely why resolution 1593 (2005) required the full cooperation of the Government of the Sudan and all other parties. Japan urges the full implementation of the resolution to achieve justice in Darfur. A continued failure to implement resolution 1593 (2005) would undermine the credibility of the Security Council. Follow-up on non-compliance is called for. In that connection, this year, Japan, together with Australia, the Czech Republic, Peru and Senegal, and in close consultation with interested parties, prepared a toolkit to assist the States parties of the Rome Statute, explaining the various actions that can be taken in case of non-compliance with ICC. We hope that the toolkit will be a useful contribution in preventing and dealing with non-cooperation.

On a positive note, we are encouraged by the progress on the investigation and collection of evidence. We look forward to further progress during the next reporting period.

Progress in the political process is essential to bringing stability to Darfur and justice to the victims. Japan welcomes the Sudan's signing of the Roadmap Agreement in August, which the Council long called for. It is regrettable, though, that an agreement on a ceasefire has yet to be concluded. Japan hopes that both the Government of the Sudan and the armed opposition groups will engage constructively so that negotiations for a ceasefire can be concluded without further delay based on that framework.

We also welcome the extension of the unilateral cessation of hostilities by the Government of the Sudan and armed opposition groups. The cessation of hostilities should be closely monitored, especially as the dry season begins. While the report notes that the level of violence seems to have decreased, the scale of civilian attacks still requires the attention of ICC.

The Prosecutor's report referred to allegations of the use of chemical weapons in Jebel Marra — that needs continued attention and follow-up. Unhindered fact-finding access should be provided.

Mr. Suárez Moreno (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We are grateful for the briefing by Ms. Fatou Bensouda.

Our country strongly supports the Prosecutor's efforts to ensure justice and accountability in the fight against impunity, as well as to promote a comprehensive, transparent and effective justice system. More than 10 years have past since the adoption of resolution 1593 (2005), by means of which the Security Council referred the situation in Darfur to the Office of the Prosecutor of the International Criminal Court. However, little progress has been made with regard to its implementation.

With regard to the political situation, great strides have been made through the implementation of the provisions of the Doha Document for Peace in Darfur and thanks to the mediation efforts of former President Thabo Mbeki of the African Union High-Level Implementation Panel. Such progress, as stated in the Prosecutor's report, has led to a reduction in instances of violence on the ground. However, we share the Prosecutor's concern regarding sexual and gender-related violence in the armed conflict in Darfur, which make strengthening the rule of law difficult to achieve.

For our country, accountability is a sine qua non condition to achieve lasting peace in the Sudan. Hence, we insist that those who have violated international humanitarian law and human rights law within the context of the armed conflict in Darfur be brought to justice. That would contribute to not only breaking the prevailing cycle of impunity, but also to fostering confidence in the State institutions of the Sudan.

In that vein, we believe it would be worthwhile, inter alia, to encourage effective dialogue between the International Criminal Court and the African Union with a view to considering practical steps that would facilitate the work of the Prosecutor and the Court, including the possibility of taking action in the region

and achieving agreements based on mutual respect and full respect for international law. We believe that such cooperation would complement regional initiatives to fight impunity. And it would do so all the more at a time when the legitimacy and impartiality of the Court have been called into question by several countries of the region, including Burundi, the Gambia and South Africa, which recently decided to withdraw from the Court, which sits in The Hague.

With a view to supporting the work of the Prosecutor to ensure that justice and accountability are a reality, we also encourage the Court to assess the situation on the ground in an objective and impartial fashion. Its role in the impartial investigation of the actions of all parties to the conflict is of the utmost important to increase the credibility of such legal authority. To that end, the International Criminal Court must work in a balanced fashion, in favour of promoting justice and achieving a firm and lasting peace from a comprehensive and indivisible point of view. However, we are concerned by the attempts of some factions to politicize the work of the International Criminal Court, which affects the principles on which the Court is based, such as autonomy, independence, impartiality, transparency and objectivity.

The arrest warrant issued by the International Criminal Court against President Omar Al-Bashir undermines the right to jurisdictional immunity for Heads of State of those States that are not party to the Rome Statute. The process to suspend the jurisdictional immunity of a President in exercising his office so that he can be tried is a matter of course by judiciary of his country represents a procedure set out in the Constitution of the Republic of the Sudan. In that regard, we share the calls of the African Union to request a suspension of the Court's proceedings regarding the arrest warrant against the President of the Sudan. However, we call upon the Government of the Sudan, the competent regional authorities and neighbouring States to cooperate effectively with the International Criminal Court with respect to the arrest of those alleged suspects who do not enjoy jurisdictional immunity and who are currently being investigated by the Office of the Prosecutor for alleged crimes against humanity, war crimes and genocide and whose arrest warrants have been issued by the International Criminal Court in the case of the situation in Darfur.

In conclusion, we encourage the strengthening of cooperation between the International Criminal Court and the Government of the Sudan, as well as by the countries of the region, in order to help to find a political solution to the conflict in Darfur whereby the objectives of peace and justice are achieved for the benefit of the Sudanese population, in accordance with international law.

Ms. Coleman (United States of America): We commend the Prosecutor and her Office for her deep dedication to the pursuit of justice for the victims of atrocity crimes in Darfur, even in the face of tremendous political and logistical challenges.

It is clear that the need for justice continues. In that regard, it is far too easy to miss the tremendous suffering of victims, especially when the tempo of conflicts in Syria, South Sudan and elsewhere has meant that the long-lasting conflict in Darfur can all too often slip off the front pages.

However, we should be alarmed that there has been far more attention of late paid to criticizing the efforts of the International Criminal Court (ICC) in Darfur than to seeking justice for the Sudanese victims of mass killings, widespread rapes and destruction of communities, which led this organ to refer the situation in Darfur to the ICC Prosecutor. We also remain deeply concerned that President Al-Bashir and others who face arrest warrants in the ICC situation in Darfur continue to be welcomed by certain Member States. The hundreds of thousands of victims of atrocities in Darfur who saw their loved ones injured or killed, their homes burned and their communities destroyed must see us stand with them. Justice can succeed if we persevere in focusing on the interests of victims and in supporting the institutions with a mandate to bring truth to light and power to account.

We have been reminded over and over again of that fact after turning Cambodia into a grave yard for almost 2 million people decades ago. Nuon Chea and Khieu Samphan will serve the remainder of their lives in prison for their crimes against humanity, and Hissene Habre, under whose rule 40,000 people were killed and others were subject to widespread sexual violence and forced disappearances and torture, is now serving his sentence in Senegal. In that vein, we are heartened by the many States that continue to refuse to welcome to their countries the individuals subject to ICC arrest warrants in the Darfur investigation, and we commend those who have spoken out against President Al-Bashir's continued travel.

There is a path forward for a peaceful, stable future in the Sudan. A comprehensive peace process that addresses the political, security and humanitarian issues at the root of the Sudan's conflict is critical. We welcome the recent decrease in fighting in many parts of Darfur and the announcements that the Government and three of the four largest armed groups in the Sudan have committed to extend their cessation of hostilities through the dry season. We call on the Sudan Liberation Army-Abdul Wahid faction to do the same. It is critical that the African Union-United Nations Hybrid Operation in Darfur have access throughout Darfur to ensure that any alleged violations of the cessation of hostilities can be investigated.

Ultimately, accountability for the atrocities committed in the Sudan is essential for building adherence to the rule of law and breaking the cycle of impunity, where past crimes beget future crimes. Instead, justice can give us a different path of breaking that cycle of impunity and restoring dignity to victims and their families through a public acknowledgement of the gravity of the wrongs done to them. Now is a time for all of us to recommit to the pursuit of justice in the Sudan.

Mr. Gimolieca (Angola): I thank Prosecutor Fatou Bensouda for her report.

As a member of the African Union (AU), Angola reiterates its commitment to the fight against impunity, in accordance with the Constitutive Act of the African Union, and aligns itself with the African Union decision on the International Criminal Court, adopted at the Kigali Summit in July.

We welcome the activities of the Office of the Prosecutor related to monitoring and investigating crimes. However, we do not welcome the fact that a whole chapter of the report is based on allegations and reports from that source, and is not based on investigations conducted by the Court. Some of those allegations have been challenged by the Government of the Sudan, and have not been confirmed by the Department of Peacekeeping Operations. That can potentially affect the report's credibility.

Angola will uphold the position of the African Union on that issue, while advocating for dialogue as the only solution to adverse political disputes in Darfur, the Sudan, Africa and all over the world.

Mr. Zagaynov (Russian Federation) (*spoke in Russian*): We have taken note of the twenty-fourth report of the Prosecutor of the International Criminal Court (ICC) on the investigation of the situation in Darfur.

First of all, we are rather taken aback by the demands made to the Security Council during the so-called follow up on the situation in Darfur. We consider such attempts to lecture the Council to be inappropriate. Even among States parties to the Rome Statute there has been no unity when carrying out certain ICC arrest warrants. In particular, certain members of the African Union have repeatedly pointed out that requirements of the ICC in a number of cases are at odds with the commitments derived from international legal norms regarding the immunity of State officials.

Our delegation has always been considerate of that position. However, certain States, as well as the Court itself, have preferred to exert pressure on African countries, instead of taking on board their concerns. In the light of that, the recent decision by a number of countries to withdraw from the Rome Statute is no surprise. The political and legal rationale for those steps is understandable and should be respected. That again vindicates the criticism that is increasingly been aimed at the work of that legal body.

The report of the Prosecutor again raises the issue of the resource support for the Court from the United Nations. In that regard, we would like to reiterate once more that the main initiators of transfer by the Security Council to the ICC of the situation in Darfur, and in Libya, were certain States parties to the Rome Statute and of the Prosecutor, who should have recognized the financial implications of such a step. Attempts to shift that burden onto the United Nations are unjustified.

As to certain factual elements in the report, it rightly notes the significant decrease in the levels of violence in Darfur recently. According to the United Nations, the situation in four of the five states is relatively calm. Thanks to the efforts of the authorities, the number of inter-communal clashes has fallen, as has the crime rate in towns. The exceptions to that are various parts of Jebel Marra, in central Darfur, where there is continued resistance from the Sudan Liberation Movement-Abdul Wahid faction, which has rejected any possibility of dialogue with the Government.

We should also recall that the Panel of Experts of the Security Council Committee established pursuant to resolution 1591 (2005), concerning the Sudan, has

confirmed Sudanese rebels' violations of international humanitarian law, including the recruitment of child soldiers. Nevertheless, the report places particular emphasis on assertions about the allegedly ongoing attacks on civilians by Government forces. The ICC's one-sided assessments, which are exclusively directed at the legitimate Sudanese authorities, can hardly improve that judicial body's credibility or contribute to the reconciliation process.

The same can be said of the Prosecutor's assertions, borrowed from Amnesty International, on the use of chemical weapons in Darfur. It is well known that they are based on phone and Internet interviews with unnamed people, as well as photographs and videos. We are in agreement with the competent opinion of the Organization for the Prohibition of Chemical Weapons that at the moment we cannot draw any conclusions from this report in the absence of further information and evidence. The African Union-United Nations Hybrid Operation in Darfur, whose representatives are in constant contact with thousands of displaced persons from Jebel Marra, has not confirmed those rumours.

In our view, if chemical weapons were being repeatedly used in the area, it would be impossible to hide the fact. The accusations have also been categorically rejected by Khartoum. The Sudan acceded to the Convention on Chemical Weapons in 1999 and has officially announced that it is complying with its obligations by refraining from producing or storing chemical weapons on its territory.

In conclusion, and speaking not just to the Darfur investigation but more generally, we would like to emphasize once again the importance of reaching a delicate balance between the interests of dispensing justice and of achieving sustainable peace and a stable situation. The two problems are equally important, and an integrated, balanced approach is needed to solve them.

Mr. Ciss (Senegal) (*spoke in French*): The Senegalese delegation would like to thank the Spanish presidency for organizing today's briefing, and to welcome Prosecutor Fatou Bensouda. We are grateful for her report and her briefing on the progress of her Office's investigations and proceedings in Darfur, in compliance with resolution 1593 (2005). Senegal would like to reiterate to her its unwavering support.

Senegal recognizes the role and importance of the International Criminal Court in a world where millions of victims of atrocious crimes long for justice. The fight against impunity and respect for the rule of law are fundamental principles in which we firmly believe and that are anchored in the Constitutive Act of the African Union. We consider respect for human rights and their universal nature to be particularly important.

In our view, not only are the requirements of peace and of justice not incompatible, they actually go hand in hand. That is why we work to satisfy the demands of the victims in Darfur for justice and reparations, while also aspiring to achieve peace through dialogue. And that is why my country, while upholding the principles of responsibility and justice, believes firmly that it is essential to go through dialogue and reconciliation if a comprehensive and lasting peace is to be achieved. Incidentally, that is the position of the African Union when it calls for the restoration of peace and justice in Darfur.

The Prosecutor's report that we are considering today describes alarming levels of attacks, including sexual and gender-based crimes, on civilians in Darfur. My country condemns all acts of violence against civilian populations and urges all stakeholders to take the measures needed to ensure that those responsible for such acts are punished. Senegal remains deeply concerned about the restrictions that the African Union-United Nations Hybrid Operation in Darfur is dealing with in carrying out its mandate.

On another subject, we believe it will be difficult for the Office of the Prosecutor to fulfil its mandate without an adequate budget. That is why my country will continue to work to ensure that the Assembly of States Parties to the Rome Statute provides the Court with the means necessary for its efforts to succeed. My delegation would also like to recall that it is the Security Council's duty to ensure that the United Nations makes the proper financial contribution for the cases that the Council refers to the Court.

There is no need to recall that the situation in Darfur continues to be a significant challenge for both the African Union and the rest of the international community, and that it requires greater efforts on the part of all of us. A definitive solution to the crisis requires participation by the Sudanese parties themselves, who are called on to create the conditions for lasting stability in an open, comprehensive dialogue involving every sector of society. It is incumbent upon us to work to create security and political conditions

that can enable the Sudanese to take charge of their peace process themselves. But the role and place of justice in that settlement cannot be ignored, for a sense of injustice is the principal source of instability. While the primary responsibility for ensuring access to justice belongs to the State, when justice is not to be found there, the victims are free to seek it wherever it may be found.

The President (*spoke in Spanish*): I shall now make a statement in my national capacity.

The founding Charter of our Organization affirms faith in fundamental human rights and in the dignity of the human person. It also establishes that Member States are obliged to comply with the Security Council's decisions. However, none of those assertions seems to apply to Darfur, and to a large degree it is the Council's responsibility to deal with that.

I wish to recall that 11 years have passed since the Council referred the situation in Darfur. We therefore reiterate our call to the Government of the Sudan to comply with the mandate in resolution 1593 (2005) and to cooperate with the International Criminal Court, in compliance with its obligations as a Member State. We would also like to remind States parties to the Rome Statute of the obligation to cooperate that they assumed upon ratification of the Statute.

While the decline in violence in Darfur is positive, the situation is still very far from satisfactory. The continuing clashes, especially in Jebel Marra; the persistence of violations of international humanitarian law and of violations and abuses of human rights; the continued obstacles to access for the African Union-United Nations Hybrid Operation in Darfur and humanitarian organizations; and the persistent climate of impunity are all unacceptable. We reiterate our call to all parties to join a peace process, which should be inclusive. We remind the Sudanese Government of its special responsibility to protect the population. We also reiterate our conviction that there can be no lasting peace without justice.

This is the last statement that my country will make in the Security Council when Ms. Bensouda is present, and I would like to reiterate Spain's commitment to the Court, which for my country is first and foremost a commitment to victims. It is clear that the Court's work with regard to Darfur has played a role in the crisis that has arisen thanks to the decision of three States parties to withdraw from the Rome Statute. Spain, which last year enacted a law on immunities expressly guaranteeing respect for obligations arising from its membership in the Court, would like to reaffirm its readiness to participate in a constructive dialogue that can build bridges. The International Criminal Court is the best instrument we have for combating impunity in a world where respect for human rights and international humanitarian law is lacking, and where violations have reached intolerable levels. In that context, the Court is our last hope, and the last hope of thousands of victims.

After some 12 years without results, it is easy to give way to discouragement and frustration. But it is our obligation — that of members of the Security Council, of States parties and of Ms. Bensouda herself — to safeguard and continue seeking avenues for dialogue between the Council and the Court that would enable us to return to the path of cooperation. We owe it to the victims of Darfur. It is up to us to restore their confidence in the authority of law and justice.

I now resume my functions as President of the Council.

I give the floor to the representative of the Sudan.

Mr. Mohamed (Sudan) (*spoke in Arabic*): I hope that I will be given an opportunity to make my statement in response to the report of the Prosecutor of the International Criminal Court (ICC) and her briefing to the Security Council.

I congratulate Spain on its presidency of the Council this month and thank its predecessor for the excellent leadership last month. Again, I also thank the President for this opportunity to address the Council in response to the report of the Prosecutor of the ICC.

This is the twenty-fourth report delivered since 2005 pursuant to resolution 1593 (2005), which provides for two reports per annum, thereby leaving the ICC and its Prosecutor with no option but to repeat a pointless monologue about the deterioration of conditions in Darfur and compelling the Prosecutor to fake blatant lies in order to rally Council support on an issue that has long been settled — first, by the conclusion of the comprehensive agreement, which was welcomed by the Council in resolution 2003 (2011), and, secondly, by the agreement's implementation across the board, whose completion was celebrated three months ago, in September.

In that regard, we should like to call the Council's attention to the records of the implementation follow-

up commission of the Doha Document for Peace in Darfur, which meets every six months. It is paradoxical that the Prosecutor also presents her report every six months, theatrically gearing up absurd presentations that are completely contrary to the facts cited by the commission, whose membership includes permanent members of the Security Council, in addition to the State of Qatar, neighbouring African States, the United Nations, the African Union, the League of Arab States and the European peace partners.

I should like to stress at the very outset that the Sudan is not a party to the Rome Statute of the ICC. Let me also state that that Court is not an organ of the United Nations, in spite of fervent attempts by some parties to paint it otherwise in the meetings of the Main Committees of the General Assembly. Again, I want to emphasize that the Sudan is not a party to the Statute nor to the ICC, in spite of such statements.

I would like to hand out two documents in English: one on the issue of access to all areas of Darfur and another on the fallacy of accusing the political leadership of genocide. They have been prepared on the basis of credible and well-documented international testimony, to which I would like to draw the Council's attention.

This last accusation is no different in nature from other erroneous accusation made by the ICC, but in this instance there is a strange urgency on the part of the Prosecutor and a suspicious keenness on the part of some international non-governmental organizations to manipulate this accusation in a bid to inflict as much political harm as they can on the Sudan and its existence and integrity.

Since 2005, reports of the Prosecutor of the ICC have repeatedly demonstrated an inclination to address the President of the Republic of the Sudan — who, as we have previously stated and as is enshrined in our Constitution, "personifies the sovereignty and authority of the State" — in an inappropriate and derogatory manner. That is inappropriate in general and unacceptable to us in particular. It is deplorable in the light of our national and human dignity, and indeed unprecedented in our history.

As evidenced by successive trivial reports, the ICC is completely disoriented. It is plagued by institutional failure and corruption. It has made an enemy of the Sudan and of the Sudanese Government in a manner completely unbefitting an institution that proclaims itself to be of the highest calibre at the international level. We shall duly come to prove the fickleness of the foundations on which the ICC is built, foundations that are driving more and more nations and countries to withdraw from the Court.

The 2005 Interim Constitution of the Sudan is, in essence, a peace agreement, one adopted by consensus following the proclamation of the Comprehensive Peace Agreement signed that same year with South Sudan. That Agreement clearly and equally addressed both principles: justice and peace. Therefore, the Doha Document for Peace in Darfur is a compilation of virtually all the principles universally agreed upon for the voluntary return of refugees and internally displaced persons, for the implementation of the principles of transitional justice, and remedial measures for victims, ensuring the prosecution of human rights violators and providing for compensation and reparation to victims.

Guided by those principles, the Government of the Sudan established a special tribunal for the prosecution of crimes perpetrated in Darfur, and the Sudanese Department of Justice appointed a special public prosecutor for that very purpose. We have formally provided the United Nations and the Security Council with the statistics on the achievements of the tribunal.

We would like to draw the Council's attention to this year's report of the Joint Tripartite Commission, made up of the United Nations, the African Union and the Govenrment of the Sudan, which states

(*spoke in English*)

> "the Joint Working Group acknowledges the efforts of the state Governments and Prosecutor for Darfur Special Crimes Court to address the crimes committed during the conflict and restore law and order through the deployment of additional police, corrections and judicial human and material resources across the five states of Darfur, including legal advisers, prosecutors, legal aid assistants and family child protection units".

(*spoke in Arabic*)

Although the report of the Prosecutor of the ICC stresses the significance of resolution 1593 (2005), which referred the situation in Darfur to the ICC, it has nonetheless deliberately ignored what I mentioned with regard to paragraph 5 of the same resolution:

(*spoke in English*)

> "The Security Council also emphasizes the need to promote healing and reconciliation and encourages in this respect the creation of institutions, involving all sectors of Sudanese society, such as truth and/or reconciliation commissions, in order to complement judicial processes and thereby reinforce the efforts to restore long-lasting peace, with African Union and international support as necessary".

(*spoke in Arabic*)

Contrary to arrangements by the Government of the Sudan to achieve justice and peace together, and the Security Council's keenness to maintain that balance, the Office of the Prosecutor of the ICC issued policy papers in 2007 giving political interpretation to article 53 of the Rome Statute. The latter stipulates that the Prosecutor has the right to not — I repeat, not — proceed with an investigation if that is detrimental to the interests of justice, stating that such interests do not mean peace. The Prosecutor alone created a statute and imposed it on States parties to the Statute. That is very dangerous. It gives the Prosecutor discretionary political power to prematurely abolish peace initiatives and agreements.

The report presented to the Council contains many examples of inconsistency, contradiction and unworthiness. As we have previously stated with regard to the situation in Darfur, the ICC and its Prosecutor have become an adversary and judge both at the same time. According to some international law jurists, the ICC is a kangaroo court. The following are examples of those contradictions.

First, as we explained in our response to the previous report, the Court was transformed into a monitoring mission with a political agenda in Darfur, as opposed to a judicial body. The twenty-fourth report, submitted today, states in paragraph 25,

(*spoke in English*)

> "[t]he Office of the Prosecutor continues to monitor" — I repeat, "to monitor" — "and inquire into current crimes allegedly being committed in Darfur".

(*spoke in Arabic*)

It should be noted that this report relies on the reporting of mechanisms put in place by the Security Council, such as the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and the Panel of Experts on the Sudan, and even on reports of non-governmental organizations. We have taken up various aspects of those reports in the Security Council, and disagreed with many of them. The members of the Council, as I have said, have themselves disagreed with many of the paragraphs in those reports. We have shown on numerous occasions the self-contradictions of those paragraphs, which render them invalid testimony before any credible judicial body.

Secondly, the same International Criminal Court, which refers cases of noncompliance to the Assembly of States Parties to the Rome Statute, refused to refer to that Assembly the case of its first Prosecutor, Luis Moreno Ocampo, who is alleged to have committed rape in 2006. It refused to refer it to the Assembly of State Parties. Furthermore, it ordered the destruction of incriminating evidence and approved the dismissal of Christian Palme, an employee in the Office of the Prosecutor, who came forward about the case of rape. Mr. Palme later contested his dismissal at the Administrative Tribunal of the International Labour Organization, which decided he should be compensated.

Thirdly, in paragraphs 18 and 35, the twenty-fourth report is cheaply appealing to emotions by shedding tears for the victims, knowing very well that justice for the victims is fully incorporated in the Doha Document for Peace in Darfur. I hope that the Council will look carefully at paragraph 35. It states that

(*spoke in English*)

> "the Office will continue to do everything it can to deliver justice to the countless victims of Rome Statute crimes in Darfur".

(*spoke in Arabic*)

The Court is ultimately political; it therefore is not qualified to achieve any kind of justice. In the 14 years since its establishment it has ruled on four — just four — cases, all of them concerning African nationals, after rejecting more than 9,000 other complaints.

Fourthly, certainly no one was surprised that the ICC hailed the report of Amnesty International concerning allegations that the Government of the Sudan, between January and September 2016, used chemical weapons in Jebel Marra in Darfur. In that connection, I would like to refer the Council to the statements by the Organization for the Prohibition of Chemical Weapons

(OPCW), to the fact that at its annual meeting it welcomed the report of the Government of the Sudan. In addition, the members of the OPCW renewed the Sudan's membership in the Executive Council of the OPCW for another two years.

I believe there is no need to concern the Council, or myself, with such vexations and fabrications. However, I am duty-bound to mention that the establishment of an international criminal court was advocated by the international Coalition for an International Criminal Court. The Court is indebted to Amnesty International, an organization that boasts in its statements that it pushed the Security Council in 2004 to constitute the International Commission of Inquiry on Darfur, whose report (see S/2005/60) was the basis for referring the situation in Darfur to the ICC. Amnesty International also prides itself on forcing the Court to rescind the decision of the Trial Chamber I that no crime of genocide was committed in Darfur.

We cannot entrust to the International Criminal Court, under its present Statute, with the important and noble goal of combating impunity for many substantial reasons. I will mention only three, since time is short.

First, the text of the Statute enshrines the inequality among those who are subject to its jurisdiction, because it differentiates among them according to their nationality and not by the evidence presented against them. Exceptions in the Statute are not implemented with regard to nationals of developing States. Moreover, referrals of cases on the basis of article 13 of the Statute cannot, and do not, take place except for nationals of developing States — and African States alone.

Secondly, fully half of the budget of the Court comes from voluntary contributions from States and non-governmental organizations, and indeed even individuals, and those parties ultimately exercise control over the ICC.

Thirdly, the Court's policy papers, as well as its practices since 2002, have driven a wedge between the principles of justice and peace. They have suspended one of the most fundamental principles of international humanitarian law relative to internal conflicts, that being amnesty, and all of that results in the ongoing killing and violations of all forms, which brings us back, regrettably, to the hellish circle of impunity.

The African Union, as represented by the African Ministers of Justice, since 2009 has been seeking an answer to a fundamental question: Has the Rome Statute annulled the immunities enjoyed by officials according to international law? The African Union has yet to receive a reply. Furthermore, and regrettably enough, the African Union High-level Committee of African Ministers for Foreign Affairs, headed by the Ethiopian Minister for Foreign Affairs, which was mandated to meet with the Security Council, was not able to hold its agreed meeting in September. I will not go into the details of that regrettable episode, which was preceded by the contempt displayed by the ICC towards African States and Africans.

The meeting rose at 11.55 a.m.

United Nations S/PV.7834

Security Council

Seventy-first year

Provisional

7834th meeting

Tuesday, 13 December 2016, 12.15 p.m.

New York

President:	Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Martins
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mrs. Adnin
	New Zealand	Mr. Van Bohemen
	Russian Federation	Mr. Churkin
	Senegal	Mr. Ciss
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Power
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Suárez Moreno

Agenda

The situation in the Middle East

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The meeting was called to order at 12.15 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in the Middle East

The President (*spoke in Spanish*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of the Syrian Arab Republic to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I wish to warmly welcome the Secretary-General, His Excellency Mr. Ban Ki-moon, to whom I now give him floor.

The Secretary-General: I have been invited to address the Security Council on the tragic situation in Aleppo. Since late November, we have seen Syrian Government forces and their allies capture large swathes of territory in eastern Aleppo. In the past 48 hours, we have seen an almost complete collapse of the armed opposition's front lines, leaving them with only 5 per cent of their original territory in the city.

That came about after levels of bombardment that many witnesses describe as unprecedented. Civilian deaths and injuries continue at a brutal pace as the United Nations receives credible reports of scores of civilians being killed either by intense bombardment or summary executions by pro-Government forces. We have seen shocking videos of a body burning in the street, ostensibly after aerial bombardment. The Office of the United Nations High Commissioner for Human Rights has received reports of civilians, including women and children, in four neighbourhoods being rounded up and executed.

As front lines have shifted, civilians have fled across dangerous routes, taking almost no belongings with them. Many families have lost contact with their families inside of eastern Aleppo, after they were displaced or after they burned their SIM cards and devices for fear of facing repercussions if detained. There have been allegations of young men being rounded up and detained, or sent to fight for Government forces. Tens of thousands have already been recorded flooding into western Aleppo, but it is likely that many more thousands who are not recorded or registered have been displaced; but we have no accurate data.

Nor do we have accurate data about the number that remain in the opposition-controlled pocket of eastern Aleppo, because all of the health and governance entities capable of counting the living and the dead have effectively dissolved into the chaos. Moreover, the Syrian authorities have systematically denied us a presence on the ground to directly verify reports. However, that does not mean that the reports that we are receiving are not credible — we are confident that civilians number in the thousands.

Meanwhile, yesterda the Russian Defence Ministry reported that it had helped more than 100,000 civilians leave eastern Aleppo neighbourhoods, including 40,484 children, and that it had supplied 78 tons of humanitarian assistance to internally displaced persons. It also reported that 2,215 militants had lain down weapons and left eastern Aleppo, and that the Russian military was continuing to demine eastern Aleppo neighbourhoods and had completed the demining of more than 31 hectares of urban structures, as well as 18 kilometres of roads.

The Russian Defence Ministry has also stated that no opposition, humanitarian organizations or human rights defenders are present in Aleppo and that eastern Aleppo had been under the full control of terrorists. It has also suggested that the estimate of 250,000 besieged civilians was overstated and has emphasized that terrorists held over 100,000 civilians as human shields in eastern Aleppo and left as soon as presented with the opportunity to do so. The Russian Federation's Reconciliation Centre has also reportedly registered allegations of torture and execution, as described by residents fleeing eastern Aleppo.

We understand that there are ongoing negotiations between the parties for an evacuation deal, facilitated by Russia and Turkey. We support those efforts and stand ready to help implement and oversee such an agreement, which we understand may now be imminent. We remind all parties of their obligations under international humanitarian law to prioritize the safe passage of civilians out of eastern Aleppo and to ensure that those who have surrendered or have been captured are treated humanely and in line with international law.

The Security Council and Member States have repeatedly emphasized the importance of early warning and prevention as critical to addressing the challenges of international peace and security. There was an abundance of early warning given to

the Council regarding the situation in Aleppo. Most notably, my Special Envoy repeatedly warned over the past several months that eastern Aleppo could be destroyed by the end of the year if urgent action were not taken. He proposed concrete measures to address concerns regarding the Al-Nusra Front without risking unnecessary loss of life or destruction of parts of one of the oldest continually inhabited cities in the world.

In addition, the General Assembly has overwhelmingly voted to urge preventive action by the Council on Aleppo. But when presented with opportunities to do so over the past three months, the Council failed to do it. Since September, the Security Council has failed to adopt three draft resolutions that could have enabled a humanitarian truce, the evacuation of civilians and the entry of lifesaving aid.

I have said before that we have collectively failed the people of Syria. The Security Council has not exercised its pre-eminent responsibility with regard to the maintenance of international peace and security. History will not easily absolve us, but that failure compels us to do even more to offer the people of Aleppo our solidarity at this moment.

The immediate task is to do all we can to stop the carnage. As the battle for Aleppo concludes, I call on the Syrian authorities and their allies, Russia and Iran, to honour their obligations under international humanitarian law to do the following: urgently allow the remaining civilians to escape the area, and facilitate access for all humanitarian actors and the delivery of critically important assistance. The laws of war and universal human rights must be respected.

In recent days and hours, we appear to be witnessing nothing less an all-out effort by the Syrian Government and its allies to end the country's internal conflict through a total, uncompromising military victory. I do not accept recent statements by the Syrian Government and the Russian Ministry of Defence that there were no opposition groups or humanitarian organizations present in eastern Aleppo.

That does not mean that I discount the importance of fighting terrorism or the need to combat the confirmed presence of the listed terrorist group the Al-Nusra Front in eastern Aleppo. In fact, I support and agree with that, but, as my Special Envoy has argued, should the presence of fewer than a 1,000 fighters determine the fate of tens, and possibly hundreds of thousands, of civilians? Context also matters. No one disputes that Al-Nusra Front fighters are indeed present in Aleppo. But they are also present in larger numbers and concentrations elsewhere in Syria. The Islamic State in Iraq and the Levant (ISIL) is not known to be present in Aleppo, but it appears to have exploited the focus on Aleppo by the Syrian Government and its allies to go on the offensive in Palmyra.

The Syrian conflict will not end as a result of what happens on the battlefield in the next days and weeks. Military advances will not solve the refugee crisis, nor will the defeat of ISIL and its poisonous ideology be complete when Mosul and Raqqa are ultimately liberated. That is wishful thinking.

Just this week, Colombian President and Nobel Peace Laureate Juan Manuel Santos warned us that a final victory through force, when non-violent alternatives exist, is nothing other than the defeat of humankind itself. In Syria the consequences of such a de-humanizing approach could be to further accelerate radicalization leading to the next iteration of Al-Qaida and ISIL. It would also send a frightening signal to the millions who have already fled the violence, rendering the Syrian refugee population semi-permanent and placing further pressure on the region and on Europe.

The Council has repeatedly affirmed that an inclusive and Syrian-led political process that addresses the legitimate aspirations of the Syrian people is the only way to find a sustainable solution to this wretched conflict. It is past time for the Council to act — and to force others to act — on that prescription. Aleppo should represent the end of the quest for military victory, not the start of a broader military campaign in a country already ravaged beyond all recognition by five years of war. The current battle needs to be followed by an immediate end to violence by all sides and unfettered humanitarian access through genuine engagement without preconditions, around the political tools we already possess, including resolution 2254 (2015).

The President (*spoke in Spanish*): I thank the Secretary-General for his briefing.

I shall now give the floor to the members of the Security Council.

Mr. Delattre (France) (*spoke in French*): I thank the Spanish presidency for agreeing to convene today's urgent meeting at the request of France and the United Kingdom. I also thank the Secretary-General for his briefing and his commitment.

As we speak, the worst-case scenario is occurring in Aleppo. The massacre of civilians is taking place under the eyes of the international community. According to the information we have, summary executions have been carried out in the streets of eastern Aleppo. Civilians are being murdered, and at times burnt alive in their homes. The dead bodies of civilians and children litter the streets of Aleppo.

The worst is that that abomination was predictable, as we have said here. We are all familiar with the barbaric methods of the Bashar Al-Assad regime. We are perfectly aware of the disregard he has shown for the lives of civilians since the beginning of the Syrian conflict. We all know very well of what could happen in the next few hours to some 120,000 people who are still trapped in eastern Aleppo, and who, if we do nothing, could be subjected to the brutality of the Al-Assad forces.

An immediate end to the massacre is absolutely critical in order to allow the evacuation under international protection of all civilians towards the destination of their choice and to authorize the immediate and unimpeded access of humanitarian assistance. That is the message that France and its partners conveyed during the meeting that the French Minister for Foreign Affairs, Mr. Jean-Marc Ayrault, held in Paris on 10 December. It is the message that the General Assembly conveyed to the world through resolution 71/130, adopted by an overwhelming majority a few days ago. Once again, France forcefully calls upon those who have the capacity to act, particularly Russia, to put an immediate end to the bloodshed and respond to the humanitarian emergency, which is, once again, an absolute emergency.

Let us make no mistake: the tragedy of Aleppo is not the painful path that we must go down to finally achieve the stabilization of Syria — a so-called expedient and rebuilt Syria. No, at the end of this plunge into the abyss, of these children maimed by bombs, disfigured by hunger, there is the promise of an endless conflict from which terrorist groups will be the primary beneficiaries. The tragedy of Aleppo — we must repeat this and hammer it home — mechanically fuels radicalization, and therefore terrorism. It is a gift to the terrorists. Therefore, the comparison of Aleppo today and Guernica during the Spanish civil war appears more relevant than ever. Aleppo is both the epicentre of the worst humanitarian tragedy of the early twenty-first century and a black hole that sucks up and destroys all the values of the United Nations. Moreover, it carries the promise of terrible tragedies to follow.

Finally, allow me to stress that the tragedy of Aleppo did not happen by accident. We will need to dismantle the processes that have made possible this plunge into the abyss. This tragedy is the result of the savagery of some people, of the active complicity and complete cynicism of others, but also of a great deal of cowardice and indifference and — we need to have the courage to say it — of the powerlessness of the international community and the United Nations. In order to avoid this collective powerlessness that we find ourselves in, which seriously calls into question the very credibility of the Security Council, France has proposed, together with Mexico, an initiative allowing for the suspension of the resort to the veto by permanent member States in cases of mass atrocities. That initiative, which France will continue to promote, has already received the support of approximately 100 countries.

I do not want to go on too long, but in these terrible times for Aleppo — a city that has seen so many brilliant civilizations and that is now delivered up to barbarity — France again calls for action and therefore for the necessary uniting around the common goals founded on the minimum principle of humanity, which the Secretary-General has just recalled. Tens of thousands of lives are at stake. They have just one glimmer of hope, and they depend on us. Let us therefore act.

Mr. Rycroft (United Kingdom): I thank you, Mr. President, for agreeing to hold this emergency meeting at the initiative of France and the United Kingdom.

This is a dark day for the people of Aleppo, surely the darkest of the past five years. Al-Assad's forces, propped up by Russia and Iran, have once again redefined horror. They have gone from siege to slaughter.

Today the United Nations has received reports that pro-Government forces have been entering homes in eastern Aleppo. They have been going door to door executing people on the spot. Eighty-two people have been murdered, 13 of whom are women and 11 children. None were terrorists. We have heard reports of women committing suicide in order not to be raped. We have heard reports of people being burned alive. We have heard reports that hundreds of men have disappeared while fleeing Aleppo, taken by the regime.

All those reports evoke the darkest days of the history of the United Nations. When it happened before, we said "never again". Well, it is happening again, today.

There must be protection for civilians. Even wars have rules. We urge the Al-Assad regime and Russia and Iran to respect those rules, and indeed to respect the will of the vast majority of Security Council members and the vast majority of members of the General Assembly. We urge those who chose to back Al-Assad to think again.

As the Secretary-General has just told us, the Security Council has failed. It has failed because Russia has used and abused its veto time and again, even to prevent a seven-day ceasefire. To those who backed Al-Assad and blocked action in the Council we ask: How can you side with such cruelty? How can you abide such an abuse of the Charter of the United Nations, words that we all claim to uphold? Therefore, re-find your moral compass, re-find your believe in the dignity and worth of the human person. Re-find these things before it is too late, and help us bring an end to the suffering.

We know what needs to happen. The attacks, the killings must stop. The suffering of those left in Aleppo has gone on for far too long. The United Nations stands ready to help get aid in and get civilians out. The opposition has agreed to the plan. But in order for it to happen, the regime and its backers must put humanity first and grant the United Nations the permission needed.

We will have different arguments from Russia this morning, but I sincerely hope that, despite the differences, Russia and others on the Security Council who opposed the ceasefire last week could at least agree to these basic steps: first, to allow the United Nations to access eastern Aleppo so that it can provide eyes on the ground, get aid in to those who need it and protect civilians; secondly, join my call today that we will hold accountable anyone from any side who commits war crimes; and, thirdly, help bring peace to Syria through the only route possible, that is, a political solution.

With the eyes of the world watching, we should be clear what will happen if this does not come to pass. Aleppo will become a memory — a city only known to the dead. In the coming days, hundreds, if not thousands, of people will be killed or disappeared, their fates unknown. But the fall of Aleppo will not be a victory for Al-Assad. He will have sacrificed his country and the lives of hundreds of thousands of innocent civilians just to keep his grip on power. How can he expect to lead a country that he has so callously destroyed? How can he expect to unite a country that he himself has wilfully divided?

A doctor from Aleppo illustrated this best earlier this month. He said,

> "Assad gave people in Aleppo only two choices: either to go back to his control or to die by bombing. We will not go back again to Assad's control."

The war will not end with the fall of Aleppo. Al-Assad will never control the hearts or minds of those crying out for freedom. He will only hold a third of Syria, and he will be in debt to those foreign Powers that would rather help him destroy his country than help the Council save it.

The irony is that, as the as they carry out these barbaric attacks in the name of defeating terrorism, it is the real terrorists, the real threat, who are resurging elsewhere in Syria. This week Palmyra fell again to Da'esh. Palmyra is now in the hands of a group whose bloodlust is rivaled onlyby that of the Al-Assad regime. Instead of fighting them, Al-Assad has enabled them. He has enabled them through obsessively, systematically brutalizing his own people. He claims that he is fighting terrorism. If it were not so tragic, so horrific, those claims would be laughable.

The Council cannot turn a blind eye on this gravest day of this most heinous conflict of the twenty-first century. We cannot be distracted by false claims of fighting terrorism. And we cannot, we must not, allow there to be impunity for these war crimes. We owe it to the people of Aleppo, the living and the dead, to ensure that there is accountability for the horror perpetrated by Al-Assad and his Russian and Iranian backers.

Ms. Power (United States of America): Here is what is happening right now in eastern Aleppo. Syrians trapped by the fighting are sending out their final appeals for help, or they are saying their goodbyes. A doctor named Mohammad Abu Rajab left a voice message:

> "This is a final distress call to the world. Save the lives of these children, women and old men. Save them. Nobody is left. You might not hear our voice after this."

A photographer named Amin Al-Halabi wrote on Facebook,

> "I am waiting to die or be captured by the Al-Assad regime. Pray for me and always remember us."

A teacher named Abdel Kafi Alhamdo said,

> "I can tweet now, but I might not do it forever. Please save my daughter's life and others. This is a call from a father."

Another doctor told a journalist,

> "Remember that there was a city called Aleppo that the world erased from the map and history."

This is what is happening in eastern Aleppo. This is what is being done by States Members of the United Nations that are sitting around this horseshoe table today. This is what is being done to the people of eastern Aleppo — to fathers, mothers, sons, daughters, brothers and sisters, like each of us here.

It is extremely hard to get information, of course, out of the small area still held by the opposition. We will hear that as an alibi and a way of papering over what video testimony, phone calls and others are bringing us live. We will hear it invoked, that it is hard to verify.

It is deliberate. The Al-Assad regime and Russia, backed by Iran, using militias on the ground, have done everything that they can to cut off the city. The Security Council will hear "Well, we do not really know. Maybe it is made up." But they are hiding what is happening from the world. It would be easy for independent investigators to get in, along with food, health workers and others. Instead, the perpetrators are hiding their brutal assault from the world wilfully. But consider the many accounts that have made it out, so many of them — those of first responders describing children's voices from beneath the rubble of collapsed buildings. There are no first responders or equipment left to dig them out, and no doctors left to treat them. Bodies lie in the streets of eastern Aleppo, but nobody dares collect them for fear of getting bombed or shot to death in the process. As many as a 100 children are reportedly trapped right now in a building under heavy fire. Clearly, those young children must be terrorists, because all those who are being executed, everybody being barrel-bombed, everybody who has been attacked with chlorine gas — Council members will be told they are all terrorists, every last one, even the infants.

The regime of Bashar Al-Assad, Russia, Iran and their affiliated militias are the ones responsible for what the United Nations calls a complete meltdown of humanity. And they are showing no mercy, even now, despite their territorial conquests. Just in the past 24 hours, pro-Al-Assad forces reportedly killed at least 82 civilians, including 11 women and 13 children. Those forces are reportedly entering homes and executing civilians on the spot, as we have heard. According to the Office of the United Nations High Commissioner for Human Rights, foreign militias, such as the Iraqi Harakat Al-Nujaba organization, are involved in those killings. Where civilians are able to run the gauntlet and make it across the front lines, Syrian intelligence agencies are pulling people aside and sending them away, perhaps to be gang-pressed to the front lines - or likely to the same prisons in which we know the Al-Assad regime tortures and executes those in its custody.

In the light of these reports, we join others — and especially the Secretary-General in one of his final appeals, in reiterating our call to the Al-Assad regime and Russia to stop their assaults on Aleppo — to protect civilians. We call on Russia and Al-Assad to allow impartial international observers into the city to oversee the safe evacuation of the people who wish to leave but justifiably fear that if they try, they will be shot in the street or carted off to one of Al-Assad's gulags.

The Al-Assad regime and Russia appear dead set on seizing every last square inch of Aleppo by force no matter how many innocent bodies pile up in their wake. But we keep insisting on answering the United Nations call for access and safe and orderly evacuation, because we are not willing to accept that innocent men, women and children can be butchered simply because they happen to live in a conflict area. Our shared humanity and security demand that certain rules of war — the most basic — hold. It is up to each and every one of us here to defend those rules.

To the Al-Assad regime, Russia and Iran, three Member States behind the conquest of and carnage in Aleppo, I say that they bear responsibility for these atrocities. By rejecting the evacuation efforts of the United Nations and the International Committee of the Red Cross they are signalling to those militias that are massacring innocents to continue doing what they are doing. Denying or obfuscating the facts, as they will do today, by saying that up is down and black is white will not absolve them.

When one day there is a full accounting of the horrors committed in this assault of Aleppo — and that day will come sooner or later — those countries will not be able to say that they did not know what was happening and were not involved. We will all know what was happening, and we will all know that they were involved.

Aleppo will join the ranks of those events in world history that define modern evil and stain or conscious decades later: Halabja, Rwanda, Srebrenica and now Aleppo. To the Al-Assad regime, Russia and Iran, I say to them that their forces and proxies are carrying out these crimes. Their barrel bombs, mortars and air strikes have allowed the militias in Aleppo to encircle tens of thousands of civilians in their ever-tightening noose. It is their noose — three States Members of the United Nations contributing to a noose around civilians. It should shame them. Instead, by all appearances, it is emboldening them; they are plotting their next assault. Are they truly incapable of shame? Is there literally nothing that can shame them? Is there no act of barbarism against civilians, no execution of a child that gets under their skin or just creeps them out a little bit? Is there nothing that they will not lie about or justify?

To the members of the Council and all States Members of the United Nations, I say that the ghastly attacks that we are witnessing in Aleppo will not stop if the city falls. The regime and its Russian allies will only be emboldened to replicate their starve-and-surrender-and-slaughter tactics elsewhere. This will be their model for attempting to retake cities and towns across Syria. It will not end with Aleppo, and it will not focus on terrorists. It never has, and there is no evidence that it will.

No matter how small a country, no matter its view of sovereignty, if it shares our view that terrorism is one of the singular causes on Earth that is worth fighting, it is essential that each of us shoulder our responsibility to denounce these atrocities. We have just heard the Secretary-General state it plainly. We have to tell those responsible that they must stop. This is not the time for more equivocation, for self-censoring, to avoid naming names, for diplomatic niceties of the kind that are so well-practiced here in the Council.

Say who is responsible. Appeal to Moscow, to Damascus, to Tehran that they have to stop. Use every public and private channel available and bank shot off someone who knows someone. The lives of tens of thousands of Syrians still in eastern Aleppo — between 30,000 and 60,000 people — and hundreds of thousands more across the country who are besieged depend on it.

Mr. Churkin (Russian Federation) (*spoke in Russian*): My statement will be made up of four small parts.

The first is that propaganda, disinformation and psychological warfare are not new concepts. A new phenomenon, exacerbated by what we are seeing in the Syrian conflict, is the spread of fake news. In such fabrications, they stoop to using images of children. We do not want the Secretariat of the United Nations to be used as an instrument in such a cynical game.

I do not want to remind the Western troika that summoned today's meeting, which has spoken so grandiloquently of the role that they played in the emergence of the Islamic State in Iraq and the Levant (ISIL) as a result of the American and British invasion of Iraq, of the role that those three countries played in exacerbating the Syrian crisis, which has led to such dreadful consequences and the resurgence of terrorist organizations in Syria and Iraq. What I find particularly strange was the statement by the representative of the United States, who delivered her statement as if she were Mother Teresa. She should remember what country she is representing and her own country's track record. Only then can she start opining from the position of moral supremacy. Let us ask: Who is guilty for what? Who is to blame? I think that ultimately God will tell us.

The second part of my statement concerns information. As of yesterday evening, Syrian authorities had assumed full control of over 98 per cent of Aleppo. The militant rebels hold only three square kilometres. In the past 24 hours, the Syrian army has freed another 11 neighbourhoods in eastern Aleppo. In the past 24 hours, the regions of Aleppo that are still under rebel control have decreased. With the help of the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic, 7,796 civilians have been evacuated, including 3,946 children. Some 375 rebels have laid down their arms and crossed into the western opart of the city. Since the start of the operation, approximately 110,000 civilians — including 44,367 children — have been evacuated from the city, and more than 7,000 have returned to their homes in the liberated areas of the western part of Aleppo.

Three humanitarian actions have taken place in the past 24 hours, during which civilians in temporary shelters in eastern Aleppo have received humanitarian supplies. In the neighbourhoods of Al-Aziza and Sheikh Maqsood, around one ton of supplies has been delivered. In Al-Malihah, around 1.5 tons of supplies have gotten through. For civilians leaving areas of Aleppo under the control of illegal armed groups, hot food and emergency supplies are being provided.

In the past 24 hours, a total of 16 hectares have been demined and 48 buildings — including five schools, a residential complex and a home for the elderly — as well as a park and 2.5 kilometres of roads, have been cleansed of improvised explosive devices. In the past 24 hours, Russian sappers have deactivated and disassembled 1,200 explosive devices in the liberated parts of eastern Aleppo. Results of a survey of the liberated areas of eastern Aleppo conducted by Russian sappers of the International Mine Action Centre have not yet revealed any hospital or school that the militants used for its intended purpose. There are still numerous armed mines in public buildings and schools that were used by the rebels as storage centres for explosives or headquarters for sharia courts or meeting places for militants or factories for making homemade rockets.

I will move on to the third part of my statement, using the latest information. Currently, the Syrian army is concluding the liberation of Aleppo from radical militant groups, including terrorists of the Al-Nusra Front, who earlier refused to leave the city through the secure routes. Moreover, not only did they continue with their hostilities against Government forces, stating that it was better to die than surrender, but they also regulary shelled civilians neighbourhoods in Aleppo, killing innocent women, children and elderly people. More than that, they hampered any chance of civilians leaving areas of militant control. They opened fire on civilians who were trying to break out towards the western part of the city. That fact has been confirmed by numerous witness testimonies, including from personnel of international humanitarian agencies.

With respect to mass arrests and disappearances and bloody repraisals against civilian activists, we have no information attesting to that. An hour ago, we contacted our Embassy in Demascus, which is contact with the Syrian authorities and the Commander of the Russian Army in Syria. They categorically denied that information. Naturally, the militants leaving the encircled city were checked for possible involvement in the commission of crimes, including attacks on a Russian field hospital. We believe that in this situation, the measures taken have been justified, because we are dealing with terrorist thugs from Al-Nusra, Nour al-Din al-Zenki thugs and other such gangs.

However, I want to stress in particular that the vast majority of former members of the illegal armed groups that have handed themselves over to Syrian authorities as a result of amnesty have returned to their families, after concluding with the proper procedures. The most important aspect of the conflict, the counter-terrorist operation in Aleppo, will conclude in the next few hours. All militants, together with members of their families and the injured, are currently going through agreed corridors towards destinations that they have voluntarily chosen, including towards Idlib. At checkpoints, officers from the Russian Centre for Reconciliation of Opposing Sides are working.

As to arbitrary arrests or other violations of the agreement reached with the illegal armed groups, the Russian military has not reported any such violations. Moreover, such information can be confirmed by representatives of International Committee of the Red Cross currently in Aleppo, as well as by all United Nations humanitarian agencies based in Aleppo, headed by the Resident Coordinator.

Finally, we are responding to all communiqués sent to us, including from the United States delegation, with regard to alleged reports of certain abuses or violations of international humanitarian law. I will read out the text of a response of our military representative in Geneva to a message he received from Jan Egeland, who is, as the Council knows, Steffan de Mistura's Senior Special Adviser on Humanitarian Affairs. The response reads as follows:

> "Having received a signal that in eastern Aleppo cases of ill treatment by Government forces against civilians, the Russian Reconciliation Centre has begun an immediate investigation into such accusations".

Yesterday and today, Russian officers visited all liberated regions. They spoke with commanders and civilians. Not a single report of ill treatment or violations of international humanitarian law against civilians of eastern Aleppo was discovered. The endless incidents listed just now are not credible. At the same time, facts have come to light concerning crimes committed by terrorists. In the Al-Rashidin neighbourhood were found

the bodies of people who had been executed trying to leave the city. In the area of Al-Ansari Mashad, booby-trapped schools and hospitals were discovered. In the Insari Sark neighbourhood, the documents of a sharia court were discovered, containing death sentences delivered against civilians. All opposition headquarters and armaments have been located in schools, mosques and hospitals. Thousands of witness testimonies have been collected, describing the torture, summary execution and brutalization of civilians by insurgents. We hope that our interlocutors will have the courage and objectivity to report on that.

We hope that the Secretariat has the courage and objectivity to state and report all of this and to not try to one-sidedly blame the Syrian Government and, as has been said here, those who support them, including Russia. Those who say that are protecting the terrorists. For a long time, we have said that it was unacceptable when Secretariat officials have spoken about terrorists as being no more than a detail of the conflicts in Syria and Iraq. They are not just a detail. They are a primary fact, which is so interpreted in Security Council resolutions.

As for the Security Council not fulfilling its role, I beg to disagree. The Council adopted the fundamental resolution 2254 (2015) in December last year. It is not our fault that certain States continue to seek satisfaction on the battlefield while maintaining the illusion of the possible change of regimes in Damascus by force. Let us return to proper work and properly implementing Security Council resolutions that might actually lead to a settlement of the crisis in Syria.

Mr. Van Bohemen (New Zealand): Twenty-three years ago, I sat behind my Ambassador as the Security Council discussed Rwanda. It was the most horrible experience. As I prepared to come here on my posting this time, I was often asked by my colleagues: What will be your Rwanda moment? I think it has probably arrived. Then, as now, there were credible reports coming in of atrocities being committed. Then, as now, there was someone at the table, a party to the conflict, that had their own view. But in the end the truth came through.

I choose to believe the Secretary-General when he comes to the Council and tells us there are credible reports of atrocities being committed. I choose to believe the Secretary-General and the people working for him when they say the issue is not terrorism, but it is barbarism.

This was a scenario we had desperately hoped to avoid when we worked with Egypt and Spain to try to adopt a Council draft resolution to stop the violence and provide orderly access for the United Nations and other humanitarian partners to support the needs of the beleaguered city. We made the same plea in consultations last week when we sort of came to some rough agreement about what we might say to the media, except that the one important point we asked for — that the United Nations must be involved in the access and in the evacuation arrangements — was not allowed to us by Russia. That is the problem we have today. The United Nations is not on the ground. The United Nations is not able to verify. So it is no good coming back and telling us that you have done all of these reports and investigations, because no one is there to check on you.

The tactics being used in eastern Aleppo go against basic humanity. Such short-term tactics do nothing to counter terrorism. They fuel radicalization and, rather than hastening the end of the war, they make peace more distant.

We share the criticisms of the Secretary-General of the Council's failure to act. We have called attention to those failures repeatedly over the past months. We have tried to remedy that failure by putting forward draft resolutions to address the issue. And we have failed. We have failed. In one sense it is a collective failure of the entire Council. But in another sense, it is a specific failure because a permanent member has used a veto to prevent Council action to address a serious humanitarian crisis. That veto, in our view, is against the deep spirit of Article 27, paragraph 3, of the Charter of the United Nations, under which we all operate. And it is a cynical attempt to use a provision to advance military aims of one of the participants to the conflict.

The Secretary-General has come to us in this urgent meeting and said that we need to act, we need to do something to address the situation. We urge Russia, we urge Iran, we urge Syria to work with us. We can only focus on the immediate right now. But saving lives must be our focus of attention. We need to get the United Nations on the ground. We need to get the United Nations able to help people — those who want to leave be allowed to leave and those who need humanitarian assistance to get it when they can.

Of course we know that peace and stability will be restored ultimately only through a return to dialogue, reconciliation and meaningful political change. But those things seem very far away right now. Let us, right now, concentrate on what has to be done in the immediate hours.

Mr. Yelchenko (Ukraine): Ukraine is appalled by the reports of mass atrocities and manhunt campaigns launched by the Syrian regime and its partners in crime. Just listen to those Syrians trapped in Aleppo who cry out,

> "We are all praying for rain. When it rains the planes cannot fly and the bombardment stops for a short while."

Is that fake, according to the Russian Ambassador?. People seeking refuge are flooding into the area that is still outside of the regime's control. Thousands are cramming onto a piece of land of about six square kilometres. People arrive with three or four children in tow, fleeing the looming carnage.

The Syrian regime says that it has opened a corridor for the people towards so-called safety. But local civilians prefer to face bombs and harsh conditions rather than the welcoming hands of the Government. The fact that the Syrian army has already killed half a million of its own people is indeed a big deterrent. Things could not possibly look uglier. The worst part is that it is not as if no one had seen this coming, or could not have stopped it. It was crystal clear from the very beginning what the Syrian regime forces and militias would do to the residents of Aleppo once they captured the city. It was crystal clear from the very beginning that sectarian violence and slaughter would take place.

That is why in the past two months members of the Security Council twice attempted to avert such a course of events. But all of those efforts were shattered by the irresponsible position of one of the permanent members of the Council, namely, the Russian Federation. We find that the words of Jan Egeland go straight to the point:

> "Syrian and Russian Governments must be held responsible for the atrocities committed by militias loyal to President Bashar Al-Assad in Aleppo".

Is that fake too, simply because it has not been confirmed by the Russian military — who are of course the most trusted people in the world?

Besides the unimaginable suffering of the people fleeing the ongoing onslought in Aleppo, we also must keep in mind disturbing developments around Palmyra, where the Islamic State in Iraq and the Levant (ISIL) is again trying to reassert its presence. An ugly picture emerges. While opposition forces are being persistently and mercilessly pounded by the full military might assembled by Bashar Al-Assad, with the help of his allies, Da'esh meets close to no opposition on its way to retake Palmyra.

That raises the question: What are the real priorities of Damascus and its allies? When will the same amount of dedication go into fighting against ISIL's forces as is expended against the opposition forces? It is clear now that both the Syrian regime and Russia have chosen to resolve the Syrian conflict militarily. I cannot remember how many times my delegation has repeated that. Instead of a cessation of hostilities in Aleppo, Russia and the Syrian regime are using a Grozny-style scorched-earth policy. They have to face justice for their crimes, and for what will come afterwards in terms of the grave consequences of such brutality.

Words do not suffice to describe the magnitude of the crimes committed in Aleppo. History will be the judge. I am sure that the day will come when the Syrian regime and its accomplices will be sitting in a different chamber under different circumstances, facing a trial on all that they have done.

We call once again — I hope in a voice of unity — for imposing a sustainable ceasefire in Aleppo to allow the safe evacuation of the vulnerable and the wounded from the rubble of Aleppo. We underline yet again the obligation of all parties on the ground to protect civilians and abide by international humanitarian law and human rights law.

Mr. Bermúdez (Uruguay) (*spoke in Spanish*): We thank the Secretary-General for his briefing.

Unfortunately, despite the intensified rate of meetings in the Security Council, and more recently in the General Assembly, on the situation in Syria, we continue to see — week after week, day after day and even hour by hour — a macabre, seemingly endless spiral. The most recent United Nations reports on the situation in Aleppo are horrendous. First we learned of the possibility that hundreds of men, women and children in eastern Aleppo may have disappeared after being evacuated. And today we are being told that summary executions are taking place in that same part

of the city and that snipers are murdering dozens of civilians, including women and children, in the streets and even in their homes.

It all seems to show that we are facing the end of the battle for control of Aleppo. But the question must be asked: At what price? How many innocent civilians have paid with their lives in the fight against terrorism? How many corpses are under the rubble of the intense bombings? Perhaps we will never know. What we do know is that the vast majority of children, mothers, workers and the elderly who are dead were not terrorists. We have urged the parties to the conflict to refrain from continuing to commit these atrocities. Everything points to the fact that responsibility for the lastest episodes belongs to the Syrian forces and their allies. Let us be clear: Syria has been destroyed, and the crisis cannot be solved militarily. Negotiations among all the parties are the only way out. All the parties to the conflict should be held accountable for their crimes. Impunity will only encourage them to go on with such bestial acts.

Today's meeting focuses on Aleppo, but Uruguay is seriously concerned about the progress that terrorist groups have made in the past week, particularly in Palmyra, where Da'esh fighters have retaken control and dozens of civilians have been killed. The terrorists are still very strong in Syria. We reiterate that at the moment the only possible solution depends on the imposition of an unconditional and immediate ceasefire in Aleppo and throughout the rest of Syria, which will enable hundreds of thousands of Syrians to get immediate access to humanitarian aid and make it possible to hold negotiations, as provided for in resolution 2254 (2015), which is just about to mark its first anniversary. We must ensure that arrogance and triumphalism based on ephemeral military victories do not prevail. We must listen to the members and to the Special Envoy, and we must negotiate.

Mr. Martins (Angola): We would first like to thank the Secretary-General for his briefing, and to express our solidarity with his efforts to stop any atrocities being committed in the city of Aleppo against civilians, including women and children.

It is our collective responsibility to ensure that all parties to the conflict avoid targeting civilians and that they abide by international humanitarian law and human rights law. Aleppo, and especially its civilian population, has suffered enough. The Government and the opposition have a difficult task ahead of them that will require a great deal of dialogue and coordination if the civilians trapped between their forces are to be spared death and suffering. That is the only way that the carnage in Aleppo can be stopped and a move begun towards a political solution. We strongly urge the parties to choose the path of dialogue rather than that of violence, including the detention, torture and killing of combatants as well as civilians.

Mrs. Adnin (Malaysia): We would like to thank the Secretary-General for his briefing, which told us that the annihilation of eastern Aleppo is not merely a threat but a reality, carried out with complete disregard for innocent life.

Only last week the Council was informed that aerial attacks would be halted unilaterally and military operations on the ground in eastern Aleppo would pause to enable medical evacuations and the separation of armed opposition fighters from terrorist groups. But the brutal onslaught began again before any significant relief could be delivered. We are compelled to ask what the purpose or intention of the announced pause was.

We are deeply disturbed by United Nations reports of extrajudicial killings of civilians, including women and children, during the attacks on the ground, which reached 82 yesterday alone. What crime could those children possibly have committed to be summarily executed by pro-Government militias in their own homes? In addition to those who have been mercilessly executed, more than 100 children who were unaccompanied or separated from their families have been reported by UNICEF to be trapped in buildings in eastern Aleppo under heavy attack. The attacks must stop. The children must be saved and protected.

With eastern Aleppo on the brink of total destruction, those with leverage must use their influence on the parties to the conflict to end the summary execution of civilians there. More than 100,000 people are still trapped there, and we strongly support the United Nations request for the urgent imposition of a ceasefire in order to enable them to evacuate. The fate of the innocent civilians is the responsibility of the advancing forces.

In view of the Syrian Government forces' impending takeover of eastern Aleppo, we expect that the Government will take immediate steps to implement the following measures. First, it must demand that its forces exercise maximum restraint, respect the

principles of distinction and proportionality and refrain from any targeting or extrajudicial or summary executions, particularly of civilians and especially women and children. Secondly, it must facilitate immediate and unfettered access for humanitarian aid and personnel to all areas under its effective control, and engage in an inclusive political dialogue, with a focus on achieving national reconciliation. We believe that those are the minimum steps needed to restore calm and stability, which the Government itself has cited as one of its primary aims.

As the Secretary-General said, the legitimate aspirations and grievances of the parties opposed to Damascus must be addressed in a peaceful manner through constructive dialogue and engagement, and not by launching another phase of military operations.

Mr. Wu Haitao (China) (*spoke in Chinese*): I would like to thank the Secretary-General for his briefing.

China remains deeply concerned about the situation in various parts of Syria, including Aleppo, and would like to express its profound sympathy for the Syrian people, who have suffered dire misery as a result of the conflict there.

The way that the situation in Syria has evolved so far is the result of the interplay of a host of factors operating in many dimensions. The international community should think deeply about the underlying causes of the situation and take concerted measures aimed at reaching a comprehensive, fair and appropriate solution. The complexity and sensitivity of the current circumstances make it even more important to ensure that the international community does not diverge from a path that can lead to our overarching goal, which is to seek a political settlement. We should work together to move the Syrian crisis back on to a path of dialogue and consultation, with a view to reaching a lasting solution to the war and chaos as soon as possible. Any efforts on the part of the international community should encourage efforts on all four of the relevant tracks — restoring the ceasefire, resuming the political talks, re-establishing joint counter-terrorism efforts and providing humanitarian aid. The role of the United Nations as the chief provider of good offices should be upheld, and the Geneva talks resumed without delay.

Fighting terrorism is part and parcel of a solution to the Syrian issue. The Islamic State terrorist organization has recently been launching repeated attacks, and the risk that terrorist forces may become more powerful and spread is growing. The international community should give priority to combating terrorist forces on Syrian soil, strengthening its coordination of counter-terrorism efforts, adhering to uniform standards and standing firm against the Islamic State and every other group designated as terrorist by the Security Council. China is ready to work with the international community to urge for a political solution to the Syrian crisis as soon as possible.

Mr. Bessho (Japan): Japan fully shares the international community's serious concerns about the worsening humanitarian situation in Aleppo and believes that it requires an urgent response. With the extremely cold and rainy weather, more than 80,000 internally displaced persons are reported to be in very dire circumstances. It is very important that the Council has convened today on this matter. We must take action to help civilian Syrians. The Secretary-General has made a very clear statement today; the United Nations underlines the obligation to protect civilians and abide by international humanitarian law and human rights law. That is especially the responsibility of the Syrian Government, and its allies, as it continues with its military action in Aleppo.

On 8 December, the Council shared its views on two things: humanity first, and that we must advance a political process based on resolution 2254 (2015). It was meaningful that the Council could at least share that view on Syria for the first time in a long time. The core message was that there is no military solution to the Syrian crisis. This long-lasting conflict has deeply scarred the Syrian people, physically and psychologically. And hatred provides grounds for extremism, benefiting no one.

Today the Council must think of the Syrian people above all. A prompt cessation of hostilities is needed, together with humanitarian aid and the advancement of the political process. We must demonstrate, not with words but with action, that the international community will not abandon the people of Syria even in this dark hour.

Mr. Moustafa (Egypt) (*spoke in Arabic*): We have held repeated meetings in the Security Council and the General Assembly regarding the Syrian crisis during the past few months to no avail, but rather generating draft resolutions and statements and engaging in endless arguments while the Syrian people continue to suffer at the hands of such an inhumane and bloody

conflict. That conflict persists, although we all see that it is possible to reach a solution, provided there are good intentions. Time is being wasted and lives are being lost in vain, despite a conclusive decision has been within the reach of parties both directly and indirectly involved in that merciless war, and despite the terms of reference of the Council being clear regarding putting an end to the bloodshed, especially through the implementation of resolutions 2254 (2015) and 2268 (2016).

There were moments when we believed that the contending parties would realize that the conflict was futile and that it was time to face the facts. But, time and again, we are confronted by the fact that the highly political and military positions continued to exceed the desire to achieve a settlement of the conflict and to ignore the worst humanitarian situation in modern history, overlooking the fact that Syrian territories had become a breeding ground for terrorists and mercenaries, and the fact that it was being torn apart by non-State actors, on the one hand, and foreign intervention, on the other. The existence of political rivalries continues to delay embarking upon serious negotiations among the Syrian parties. Divergent views on the history and an evaluation of the reasons behing the Syrian crisis and the factors fuelling it must not remain an obstacle for the international community. We now have before us a clear conflict, which is tantamount to a fully fledged war, and it will not cease without a political solution.

In that regard, allow me to reiterate the elements that we tried, during the past period, to reflect in Egypt's initiatives, whether through our communication with the parties to the crisis, including the Syrian opposition, or through our endeavours in the Security Council, which we hoped would guide all the parties with influence.

First, during the past six years, the Syrian people, including children, mothers, the elderly and men, have borne witness to something no human being should ever have to, namely, displacement, murder and the destruction of their future. Hence, taking into account the humanitarian condition of all Syrians, regardless of their affiliations, must remain the first priority for all parties withuot exception, irrespective of the goals. The achievement of democracy and liberty, on the one hand, and fighting terrorism, on the other, are not pretexts to tear apart a society, kill children or take vengeance on certain sects through executions.

Secondly, the proliferation of terrorism in Syria is not an illusion or an exaggeration, neither is it a subject that can taken lightly in terms of its importance and its impact on the events on the ground. Scores of thousands of terrorists, mercenaries and extremist ideas are proliferating with the support of outside forces. There are groups and parties that have consciously chosen to support extremism and terrorism politically and operationally on the ground, including through direct cooperation and political support to the Al-Nusra Front and Fatah Al-Sham. It is high time that the Security Council and its counter-terrorism bodies decisively confront that phenomenon, especially through the Security Council Committee established pursuant to resolution 1267 (1999), and the International Syria Support Group.

Thirdly, the proxy war and foreign intervention in Syria must cease. Syrians must regain their right to shape their future and achieve their aspiration for a united, stable and democratic country that observes human rights and equality among various attitudes and affiliations.

Fourthly, Syrian parties are still capable of regaining control. I call upon all of them to assume their responsibility vis-à-vis their people, who are being killed and displaced daily, free of foreign intervention or one party aspiring to gain control over the other. There will be no winners or losers in Syria. Everybody will lose.

Regardless of the level of the military solution on the ground for one party or another, such a solution will not be long-term and will not provide stability for the Syrian people. The challenges facing it are greater and more important than the battle results. Those challenges include millions of internally displaced people and refugees, hundreds of thousands of victims, entire cities destroyed, an economic collapse and the entrenchment of the long-term goals of foreign parties that do not intersect with the interests of the Syrian people. What is more grave than all of that is the fact that the sectarian and ethnic conflict over the past few years threatens any aspiration for coexistence.

I will therefore continue to repeat that the situation in Syria will not be resolved through a military solution. Facing such challenges requires a comprehensive and balanced political process. I once again call upon the Secretary-General, through his Special Envoy, to start as quickly as possible to prepare for negotiations

between the Government and the broadest spectrum of the opposition, without selectivity or accommodations that jeopardize the independence of the Syrian solution, and in accordance with resolution 2254 (2015) and on the basis of the Geneva communiqué (see S/2012/522, annex) in order to develop a transition on which the Syrian parties can agree. I also call upon the Secretary-General to resist any pressure that could hamper the conduct of negotiations as soon as possible. Furthermore, I call upon him to actually name any party that is indeed impeding such negotiations. It is high time for all parties to assume responsibility before the Syrian people and before history.

Mr. Ciss (Senegal) (*spoke in French*): I would like to join those who have taken the floor before me in thanking the Secretary-General for his informative briefing.

I would also like to reiterate the deep concern of my delegation in the light of the proliferation and intensification of military activity in eastern Aleppo, which has cost the lives of many victims, including numerous children, and has forced many people to flee. My delegation calls for light to be shed on the atrocities that have allegedly been committed, particularly the death of 82 persons, as reported today.

We reiterate our condemnation of the ongoing destruction of public infrastructure, such as markets, schools and the water supply system, but also of medical facilities, which is a flagrant violation of international humanitarian law, international human rights law and resolution 2286 (2016). That leads us to call once again for a cessation of hostilities, namely, compliance with the humanitarian pause, which would allow medical and humanitarian personnel to assist those in need in Aleppo. We also recall the responsibility incumbent upon the warring parties, especially the Government, in terms of respecting international humanitarian law and human rights law.

The humanitarian aspect of the crisis is symptomatic of the political crisis. We renew our calls to the members of the International Syria Support Group, particularly the co-Chairs, to redouble their efforts so as to breathe new life into the negotiation of a cessation of hostilities, which is crucial for humanitarian assistance to be provided and for the relaunching of the political process.

On its part, the Security Council must continue to play its role as the guarantor of international peace and security in accordance with the Charter of the United Nations. We must also live up to our responsibilities in the light of the ongoing deterioration of the situation on the ground. In that regard, our efforts must be focused on ending violence, and in particular on ensuring a resumption of the cessation of hostilities across Syria by implementing resolution 2268 (2016).

In addition to contributing to building pragmatic responses to the catastrophic humanitarian situation in the city of Aleppo, we believe that a global approach to the Syrian crisis is more necessary than ever, which involves in particular addressing political and security aspects as part of a broader discussion on terrorism, radicalization and the proliferation of weapons of mass destruction.

Mr. Suárez Moreno (Bolivarian Republic of Venezuela) (*spoke in Spanish*): The conflict affecting Syria goes far beyond its own borders and into the arena of public opinion, which is one of its most active battlegrounds, as we have seen in this Chamber. It has been emphatically stated that the humanitarian crisis in Syria is the greatest disaster of the twenty-first century. Some have asked where the moral compass is of those who defend the Syrian Government, and in that regard call for there to be no impunity for what is happening on the ground.

Unfortunately, the moral voices among us seem to ignore what their actions led to in Iraq and Libya before the conflict in Syria. We ask: What can the international community do so that those who are responsible for fuelling such conflicts are held accountable before justice, in order to ensure that the interventionist agendas that have caused such chaos, which merit condemnation, are not repeated?

Our country is alarmed by the humanitarian situation in Syria, as we have expressed on many occasions. The Syrian people are victims of an armed conflict that has been fuelled by foreign intervention and specific geopolitical agendas, which have violated the sovereignty of that country.

In that perverse dynamic, we should be conscious of the fact that terrorism is the principle cause of the conflict and its negative impacts. The Al-Nusra Front has positioned itself in the east of the city, which has caused true chaos, establishing links with the so-called moderate opposition. That alliance, instead of looking out for the security of civilians in eastern Aleppo, has prevented them from leaving the area, even through the

use of force, as has been stated by many of the displaced persons who have been able to leave the area.

If the 9 September agreement between the Russian Federation and the United States had been implemented, we would be facing a more encouraging scenario. The lack of willingness from the relevant players to distinguish the so-called moderate opposition from the threat of the Al-Nusra Front and its other allies is the real reason for the collapse of negotiations. That, together with the deliberate bombing by the global coalition against the Islamic State in Iraq and Syria (ISIS) on locations held by Syrian forces, has ended up destroying all attempts to bring peace and stability to Syria.

Our country is convinced that Syria has the right to defend its sovereignty and territorial integrity against attacks perpetrated by terrorist organizations. It is important to point out that the Government of Syria is making a very significant effort to counter the scourge of terrorism in its territory. The recovery of every area held by ISIS and Al-Qaida is a guarantee of peace and stability in the region. Examples of that are the cities that are under the control of the country's authorities.

We regret that humanitarian suffering is being used to advance the specific agendas of other countries, which in no way benefit the people of Syria. We reiterate that this humanitarian crisis, caused by more than five years of war and fuelled from abroad, must be analysed in a balanced manner. We insist that the humanitarian issue requires an approach that is balanced, objective and impartial.

Recently, we have noted that more than 10,000 civilians have fled from areas controlled by terrorists in search of housing, food and medicines, which they were deprived of by the Al-Nusra Front and its allies. We therefore believe that the United Nations should provide humanitarian assistance to those areas that have been liberated from the terrorists, so as to provide more support to the Syrian population. We also agree with the idea that both humanitarian groups and the International Syria Support Group, which is working on a cessation of hostilities, should continue their work, since the participation of a larger number of neighbouring countries, as well as the international community, in finding a solution for the Syrian people would be tremendously helpful.

In conclusion, we reiterate that a political and peaceful solution is the only possible option to achieve peace and stability in Syria. We therefore need to support the diplomatic efforts under way by the Special Envoy and his attempts to relaunch peace talks in Geneva.

The President: I shall now make a statement in my national capacity.

This particular Security Council will go down in history. Many questions will have to be answered. Did Aleppo have to fall in the way in which it has fallen? Why could we not prevent the massacres? Why were we not able to organize the evacuation of all the civilians from eastern Aleppo after months of siege? This is an emergency meeting of the Security Council, and as such my statement will be straightforward.

I entirely endorse the call made by the Secretary-General, and I call upon the Syrian Government and on those that have acknowledged an influence over the parties to the conflict to do all they can to facilitate an agreement providing for the urgent evacuation of civilians, the withdrawal of the few remaining fighters, urgent access for humanitarian aid, as well as the provision of medical assistance to the population.

Aleppo need not fall this way. It is not necessary that another sombre page of history be written today. Spain will continue to work closely with New Zealand and with Egypt to avoid this.

I now resume my functions as President of the Council.

The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I would like to make a brief but important clarification in response to the President's appeal: maybe I was not correctly interpreted, or maybe I did not say clearly enough what I meant in my statement. The fact is that the agreement you referred to, that you called for — our removal of the fighters — was achieved a few hours ago, and it is being implemented. The fighters, together with families and the wounded, are leaving in the directions of their choosing, including towards Idlib.

Over the past hour we have received information that the military activities in eastern Aleppo have stopped. There is no question about the cessation of hostilities or humanitarian operations: the Syrian Government has established control over eastern Aleppo and now the time has come for practical humanitarian intitiatives.

The population that remains there should not need to leave, although some civilians may indeed wish to leave that destroyed city. But military actions have stopped.

This very difficult chapter relating to the situation in eastern Aleppo has now ended. Let us hope that this will indeed be a precondition for establishing the political efforts to relaunch negotiations, as Mr. De Mistura said recently. There should be large-scale humanitarian support to eastern Aleppo, to those people who left the city and those who remain there. Preconditions should be established so that those who left the city will be able to return to their homes as soon as possible.

The President (*spoke in Spanish*): I now give the floor to the representative of the Syrian Arab Republic.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): There is a quote by the Russian author Tolstoy that applies to some people present in this Chamber: "When judging other people's shortcomings, remember your own." As to Plato, he had this beautiful quote too: "The bigger the lie, the easier it is to believe."

I understood from my American representative colleague that it was the Syrian Government that committed massacres and crimes of genocide against humanity on behalf of her country's successive Governments, in Viet Nam, Korea, Palestine, Iraq, Libya, Nicaragua, Rwanda, the Great Lakes region, Grenada, Cuba and Yugoslavia. Therefore, I start my statement by declaring my Government guiltless of these massacres. Perhaps we will publish a White Book to clarify our position on these accusations.

Certain members of the Security Council have, since the beginning of the terrorist war imposed on Syria, continually sponsored draft resolutions and called for emergency meetings, as is the case today, on the basis of fabricated information, false reports and false testimony. Such briefings are called every time the Syrian Army and its allies make headway against the armed terrorist groups that are supported by the very Governments of these States. These are terrorist groups and not civilians.

The situation remains the same today. The highest official of the Organization, the Secretary-General, who has only two and a half weeks left before the end of his mandate, rushed in to make a statement on the situation in the city of Aleppo on the basis of unverified information, as noted in his own statement: "The United Nations is unable to independently verify these reports." If the Secretary-General is unable to verify these reports, why then has he published them in an official statement in order to denigrate the Syrian Government and its allies in their fight against terrorism?

I think we have every right to also ask how the United Nations, which is supposedly a source of credible information, can publish statements and make judgments on the basis of dubious sources. It can do so only if the goal of some parties in the Organization is to serve the agendas of certain States by militating against the Syrian Government and its allies and providing political and media coverage to the terrorist groups working under their orders.

I would like to reiterate once again to the President, the Security Council members and those States that still uphold and respect international law, the Charter of the United Nations and the relevant Security Council resolutions on combating terrorism, that the actions of the Syrian Government and its allies in Aleppo and other Syrian cities are the expression of the constitutional and legal obligation of every Government to protect its citizens against terrorism. I deny categorically all fabricated reports used by the representatives of the United States, France and Britain, as well as their partners, to claim that the Syrian Government is targeting its citizens in Aleppo. I reiterate that all the actions of the Syrian Government since the start of operations in Aleppo, whether in opening safe crossing points — including for armed people — securing shelter centres, issuing amnesty decisions and providing all forms of medical assistance and food, have had the overarching goal of protecting civilians and saving their lives.

Allow me at this stage to show the Council some photos. This is what the Syrian army is doing in Aleppo. Here is a picture of a Syrian soldier turning his body into a bridge to help a woman get out of the car that took her out of eastern Aleppo. This is what the Syrian army does. Here is another soldier carrying on his shoulders a civilian woman who was trying to flee from eastern Aleppo, where the terrorists hold sway. Here are Syrian soldiers arranging the distribution of humanitarian assistance to civilians emerging from eastern Aleppo. I have many photos, but I know that time is short.

It is astounding that all of the reports of the Security Council have referred to the presence of tens of thousands of mercenary foreign terrorists in Syria

from more than 100 States, as I thank my colleague the Permanent Representative of Egypt for mentioning. However, some, in their effort to protect their terrorists, typically deny the Syrian Government's obligation to verify the identity of certain people accompanying civilians as they leave certain Aleppo neighbourhoods that had been controlled by terrorists, with a view to preventing them from sneaking into and resuming their terrorist acts in Syrian territories and maybe thereafter the territories of any country represented here. I have dozens of photos showing these terrorists who chopped off heads and ate human livers as they sought to flee eastern Aleppo alongside civilians, dressed as women. These heroes were wearing women's clothes to flee with civilians from eastern Aleppo, but they were arrested by the Syrian army.

It is the height of hypocrisy to pursue allegations against the Syrian Government based on the reports and testimony approved only by the representatives of those who convened this meeting and their intelligence services, while at the same time they turn a deaf ear and blind eye to accounts of our people in the city of Aleppo who were liberated by the Syrian army and its allies. Their testimony of their suffering at the hands of armed terrorist groups, led by foreign terrorist who do not speak Arabic, has been broadcast not only by Syrian but also by foreign news agencies. It is also the height of hypocrisy for the representatives of these States to insist, based on the same reports, that the Syrian Government is besieging its people and obstructing their access to food and medicine, whereas those same States continue to deny the fact that dozens of warehouses that were under the control of armed terrorist groups in Aleppo were full of all kinds of medical and food supplies prohibited to civilians.

Is it reasonable for any reasonable person to believe for a moment that dozens of thousands of terrorist fighting the Syrian army in Aleppo could for more than four years, maintain their terror — targeting civilians, the Syrian army and infrastructure — had not they been continuously supplied with various types of weapons and protection by the sponsors of terrorism, some of whom are from States inside the Council? That is the question.

I strongly and totally reject any fabricated lies, allegations and hallucinations put forward by certain Council members in their statements concerning acts of revenge, summary executions and terror against civilians. As to pursuing and targeting terrorists, that lies at the very heart of the constitutional prerogatives of the Syrian Government and of those Governments that have acted likewise in the streets of Nice, Paris, London, Boston, Oklahoma, North Carolina, Cairo, Sinai, Tunis, Bombay, Nigeria, Kenya and Tanzania.

Finally, I was surprised to hear my colleague, the British Ambassador, say that he does not believe that the Syrian Government is resisting terrorism in Aleppo. He is the same Permanent Representative who, alongside his colleagues, has participated in the adoption of 16 resolutions on Syria, 8 of them on counter-terrorism. All of those resolutions were adopted because of the Syrian crisis., and all of them provide for the right of the Syrian Government and the participation of other Member States to fight terrorism in Syria and Iraq. So how can he then deny the presence of terrorism in Syria while there are eight resolutions on counter-terrorism that his own country voted in favour of?

To conclude, if I may make a correction, the question has been raised to as whether we should have waited for the fall of Aleppo. Allow me to make a simple correction. Aleppo did not fall. It is a Syrian city that has been liberated from terrorism and its sponsors, who toyed with safety and security of its population. Aleppo has returned to the bosom of the State and the bosom of the homeland. It did not fall.

The meeting rose at 1.55 p.m.

United Nations S/PV.7835

Security Council

Distr.: General
13 December 2016

Original: English

Official communiqué of the 7835th (closed) meeting of the Security Council

Held in private at Headquarters, New York, on Tuesday, 13 December 2016, at 3 p.m.

In accordance with rule 55 of the provisional rules of procedure of the Security Council, the following communiqué was issued through the Secretary-General in place of a verbatim record:

"On 13 December 2016, the Security Council, pursuant to annex II, sections A and B of resolution 1353 (2001), held its 7835th meeting in private with the troop- and police-contributing countries to the United Nations Disengagement Observer Force.

"The President invited Mr. Hervé Ladsous, Under-Secretary-General for Peacekeeping Operations, and Mr. Atul Khare, Under-Secretary-General for Field Support, to participate in the meeting in accordance with rule 39 of the Council's provisional rules of procedure.

"The Security Council and the troop- and police-contributing countries heard briefings by Mr. Ladsous and Mr. Khare.

"Members of the Council, Mr. Ladsous, Mr. Khare and representatives of participating contributing countries had an exchange of views."

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United Nations S/PV.7836

Security Council

Seventy-first year

Provisional

7836th meeting
Wednesday, 14 December 2016, 11 a.m.
New York

President:	Mr. Oyarzun Marchesi	(Spain)
Members:	Angola	Mr. Martins
	China	Mr. Wu Haitao
	Egypt	Mr. Aboulatta
	France	Mr. Delattre
	Japan	Mr. Bessho
	Malaysia	Mr. Ibrahim
	New Zealand	Mr. Van Bohemen
	Russian Federation	Mr. Churkin
	Senegal	Mr. Seck
	Ukraine	Mr. Yelchenko
	United Kingdom of Great Britain and Northern Ireland	Mr. Rycroft
	United States of America	Ms. Power
	Uruguay	Mr. Bermúdez
	Venezuela (Bolivarian Republic of)	Mr. Ramírez Carreño

Agenda

Tribute to the outgoing Secretary-General

This record contains the text of speeches delivered in English and of the translation of speeches delivered in other languages. The final text will be printed in the *Official Records of the Security Council*. *Corrections* should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-0506 (verbatimrecords@un.org). Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org).

16-43921 (E)

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The meeting was called to order at 11.05 a.m.

Adoption of the agenda

The agenda was adopted.

Tribute to the outgoing Secretary-General

The President (*spoke in Spanish*): I welcome the presence of the Secretary-General, His Excellency Mr. Ban Ki Moon, at this meeting.

The Security Council will now begin its consideration of the item on its agenda.

Members of the Council have before them document S/2016/1051, which contains the text of a draft resolution prepared in the course of the Council's prior consultations. It is my understanding that the Council is ready to proceed to the vote on the draft resolution before it.

May I take it that it is the wish of the Security Council to adopt draft resolution S/2016/1051 by acclamation?

There being no objection, I declare the draft resolution adopted by acclamation, as resolution 2324 (2016).

I shall now make a statement on behalf of the Council.

Mr. Secretary-General, it is a great honour to convey to Your Excellency, on behalf of the members of the Security Council, our profound gratitude for the continuous support you have provided to the Council in the discharge of its primary duty, the maintenance of international peace and security. During the course of your two terms, you have shared in the efforts of the Council, brought potential threats to its attention, and called on us to overcome our differences when needed, making best use of the authority and powers granted to the Secretary-General by the Charter of the United Nations.

Today, we pay tribute to the perseverance, devotion and flexibility that you have shown in the performance of your duties, and to your unrelenting determination to serve "We the peoples" above any other consideration, as you committed to do when you took the oath of office 10 years ago.

Two remarkable successes should be highlighted from your vast legacy: the Sustainable Development Goals and the Paris Agreement on Climate Change, both arising from your negotiating skills and diplomatic acumen, and both reflecting the driving force of your action — promoting solidarity throughout the world and among different generations so that the men and women of tomorrow might inherit a sustainable planet and a safer world.

You have also embraced the cause of human rights, advocating for fairer and more egalitarian societies where the human rights and fundamental freedoms of all human beings are fully recognized, protected and promoted. Under your leadership, the Human Rights Council was created and UN-Women established, and you appointed the first Special Envoy on Youth. Thanks to you, Mr. Secretary-General, the most vulnerable or marginalized have been increasingly heard and assisted by the United Nations.

During the decade in which you have been at the helm of the Organization, you have worked tirelessly to ensure that humanitarian aid reaches those who need it most. You held the first World Humanitarian Summit in Istanbul this spring to remind the world that 130 million people today need humanitarian assistance to survive. You have been at the forefront in placing the issue of refugees and migrants at the heart of the concerns of the international community. You have also advocated for a collective action to more equitably share responsibility and to reinforce our common effort in addressing this issue. Finally, Mr. Secretary-General, you have not ceased promoting action to relieve the suffering of those populations in need.

Under your guidance and leadership, the United Nations has undertaken multiple reforms. I would like to emphasize, given its particular relevance to the Council, the three reviews carried out in 2015 on peace operations, the peacebuilding architecture, and the women, peace and security agenda. All three call for greater efforts in the area of prevention, for increasing the efficiency of peacekeeping operations and for a greater commitment to accountability. In that regard, we very much appreciate the zero-tolerance policy with respect to sexual exploitation and abuse by Blue Helmets that you have launched with such determination and which redounds to the legitimacy and credibility of our peacekeeping operations and indeed the entire United Nations system. Those achievements are a testament to the moral authority and institutional potential that the Office of the Secretary-General possesses. They demonstrate clearly that no aim is too high and no agenda too ambitious as long as it is accompanied

by an unwavering commitment to the Charter of the United Nations.

Today's world is very different from that of 10 years ago, when you took office as Secretary-General. At the helm of the Secretariat, you have ensured that the Organization has made the most of technological advances and has prepared itself to meet the challenges of globalization, technological change and new and emerging threats. Now that your mandate is ending, it is only right that we commend your untiring efforts to remain in direct contact with all our world leaders, to listen and offer your good offices and to strengthen United Nations collaboration with regional organizations all over the globe. You have also encouraged the United Nations system to open up to partnerships with the private sector and reinforced collaboration with the academic world, as well as strengthening the participation and involvement of civil society in the Organization's daily work. In a few days you will pass the baton to your successor, Mr. António Guterres, and we are confident that he will perform the duties entrusted to him in an exemplary manner. He can count on our wholehearted support as he tackles his responsibilities.

That universal author Miguel de Cervantes, who died 400 years ago this year, said that good deeds never lack a reward. On behalf of the Security Council, and in the confidence that this promise will undoubtedly come true, I would like to offer you our warmest wishes for prosperity, health and success in the new stage of your life that is about to begin.

I now give the floor to the Secretary-General.

The Secretary-General: I would like to thank you, Mr. President, for your leadership and your excellent Korean pronunciation. I am very touched.

I would like to thank the Council for this tribute. I am deeply honoured by the recognition I have been given. It has been a great privilege to work with all the Security Council members over the past 10 years.

The Council's role in maintaining international peace and security is as daunting and necessary as it was 70 years ago, when the United Nations was founded. Over the past decade, I have witnessed at first-hand the Council's capacity for innovative thinking. During my tenure, it established more than a dozen peacekeeping operations and special political missions, some of them incorporating novel approaches in order to respond to complex situations. The Council's decision to establish the Force Intervention Brigade in the Democratic Republic of the Congo set an important precedent in addressing the challenges in the eastern part of that country. The United Nations Mission in Nepal played a key role in supporting the country's peace process and the free and fair election of its Constituent Assembly in 2008, culminating in the completion of the Mission's mandate in 2011. Other successes include the paths to stability that have been found in Côte d'Ivoire and Liberia. We also deepened partnerships with regional organizations, particularly the African Union.

During my tenure, the Council has also consolidated the normative framework in relation to some very important cross-cutting items. I would particularly like to highlight its mainstreaming of the subject of women and peace and security into its agenda. I encourage it to continue its important work in that regard, and I know that my successor, António Guterres, will be a most determined ally in that. I would also like to commend the progress that the Council has made in addressing sexual violence in conflict. While Council reform continues to be discussed in intergovernmental negotiations, the Council has increased its flexibility, transparency and efficiency. I urge it to continue its work to advance not just early warning but early preventive action, including through a greater focus on human rights and greater involvement on the part of civil society.

I would like to conclude by emphasizing that the Council is strongest when it is united. Some striking examples of that include the Joint Mission of the Organization for the Prohibition of Chemical Weapons and the United Nations, formed to achieve the destruction of chemical weapons in Syria, and the establishment of the United Nations Mission for Ebola Emergency Response to fight the epidemic in West Africa. But where unity is lacking, such as on the question of Western Sahara, the consequences can be profound, and in the case of South Sudan, even catastrophic. However, my deepest regret as I leave office is the continuing nightmare in Syria. I once again plead with all the members of the Council to cooperate and fulfil their collective responsibility to protect Syrian civilians.

The Security Council holds the key to peace and progress for some of the world's most vulnerable people. It has been a privilege and an honour to serve

it. I thank the Council for supporting me and our indispensable Organization.

The President (*spoke in Spanish*): I thank the Secretary-General for his statement.

I think I can say that the sustained applause he has received is an indication of the degree of sympathy and affection felt by the members of the Security Council and the General Assembly, since it breaks with the tradition of not applauding in the Chamber. I thank the Secretary-General once again for his statement and his continued collaboration.

The meeting rose at 11.20 a.m.